

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID:		Case Type Prefix: Case Year: Case Number Case Type Suffix:			Existing Use:	
20120141			2012	0141	SPH	Residential
Legal Owners/Petitioner: Linda Ann Senez						
Street/House Number: Street Number Range: Street Number Suffix: Street Prefix Direction Street Prefix Type:						
341						
Street Name:		Street Suffix Type: Street Suffix Direction:			Suite/Apt./Unit Number:	
Worton		Rd				
Property Description: E/S Worton Road, 50 feet north of centerline of Sasafrass road						
Existing Zoning Classification: DR 3.5		Area: 17,990 sq. ft.		Election District: 15th		Councilmanic District: 7th
Critical Area: YES		Floodplain: NO		Historic Area: NO		Related (Prior and Future) Cases: 84-188-A & 05-298-A
Violation Cases:		Concurrent Cases:				
Tax Account ID:		Deed Liber #: Deed Folio #:		Miscellaneous Notes		
1.) 1503000240		1.) 14851 / 455		Pursuant to a memo sent to Kristen Lewis on January 18, 2012 and a withdrawal letter sent to Arnold Jablon, Director of PAI on January 5, 2012, case is withdrawn.		
2.)		2.) /				
3.)		3.) /				
Contract Purchaser:						
Attorney:						
Petition Reviewer: DT		Petition Reviewer 2:		Petition Filing Date: 12/01/2011		
Day of Week:		Hearing Date:		Hearing Time:		Hearing Location:
Wednesday		01/18/2012		10:00 AM		Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204
Closing Date:		Adm. Law Judge Hearing Continued From		Adm. Law Judge Hearing Rescheduled From		Formal Request For Hearing

Case Number

2012 0141

SPH

Petition Type # 1:

SPECIAL HEARING

Petition Request # 1:

For a waiver to build a landscape wall with fence on top in a tidal floodplain; and a waiver to permit a landscape wall with fence in the front yard with a maximum height of 74-inches in lieu of the permitted 42-inches.

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot
Scale Map
Reference:

Existing Use:

Proposed Use:

Existing Zoning Classification

Requested Zoning Classification:

Existing District:

Requested District:

Residential

Residential

DR 3.5

North/South Coordinate:

East/West Coordinate:

Census Tract:

1000 Foot
Scale Map
Reference:

Adm. Law Judge Case Number	2012	0141	SPH	Circuit Court Case Number	
Administrative Law Judge's Name	Petitioner			Circuit Court Filing Date:	
Law Judge Order Date (or Withdrawal Date)	1/ 5/2012			Circuit Court Decision Date	
Law Judge Decision:	Withdrawn			Circuit Court Decision:	
Law Judge Order Restrictions?	NO				
				MD Court of Special Appeals Filing Date	
				MD Court of Special Appeals Decision Date:	
				MD Court of Special Appeals Decision	
Board of Appeals Case Number				MD Court of Appeals Filing Date	
Appeal to Board of Appeals?:				MD Court of Appeals Decision Date:	
Appellant:				MD Court of Appeals Decision:	
Board of App. Description					
Board of Appeals Filing Date				U.S. Supreme Court Filing Date	
Date Case Sent to Board:				U.S. Supreme Court Decision Date	
Board of Appeals Hearing Date:				U.S. Supreme Court Decision	
Board of Appeals Decision Date:					
Board of Appeals Decision					

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[Scanned Image](#)



BALTIMORE COUNTY
Maryland

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approval and Inspections*

Telephone Number: (410) 887 3020
E-mail address: ajablon@baltimorecountymd.gov

21 March 2012

Ms. Linda A. Senez, CPCU
341 Worton Rd
Essex, Maryland 21221

Re: Senez Special hearing
Case No. 2012-0141 SPH

Dear Ms. Senez:

I received your letter of 19 March 2012, in which you request a meeting with me to discuss your situation. I am sorry, but I can't.

I am restricted by the lawyers' Canon of Ethics as well as my position with the County from giving you legal advice, and this is really what you're asking of me. I totally understand your frustration; in both letters to me this is loud and clear! I know you dismissed the matter referred to above. I just can't advise you as to options or possible legal solutions to the situation in which you find yourself. As you say, you could always change lawyers, and that's my point. I can't advise you on this; it would definitely be unethical of me.

I can't tell you whether your prior attorneys were right or whether they did a good job; I can't advise you whether all legal options have been exhausted or whether the legal options available were utilized effectively.

I'm sorry I can't provide you with the assistance you seek.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the typed name.

Arnold Jablon
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

AEJ/aj

3/20/12
9

Linda A. Senez, CPCU
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

March 19, 2012

Mr. Arnold Jablon, Director
Deputy Administrative Officer
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Re: Senez Special Hearing
Case # 2012-0141-SPH

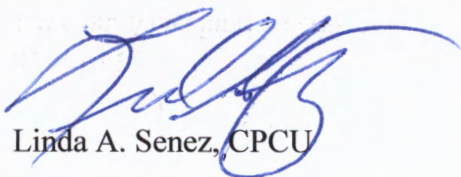
Dear Mr. Jablon,

Thank you for your letter dated January 16th, 2012.

I don't know all the legal issues relevant to what advice you can ethically give. The reason I included so much information in my last letter was that I've gotten absolutely nowhere in the legal system. I feel like I'm being swallowed up in some sort of a black legal hole.

You stated that I'm represented by legal counsel and that I'm still in litigation; I can certainly change legal counsel and the only litigation pending isn't until 2013. Can you possibly meet with me, at your convenience, to explore my options and any other avenues I might have available.

Respectfully,


Linda A. Senez, CPCU

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: John E. Beverungen, Administrative Law Judge
Office of Administrative Hearings

DATE: January 18, 2012

SUBJECT: Case No. 2012-0141-SPH

*Petitioner
longer wishes
to pursue*

The above-referenced case was scheduled before the undersigned on January 18, 2012 at 10:00 AM in Room 205 of the Jefferson Building. It had been properly advertised prior to the hearing; however, the property was not posted with a sign. Considering the file did not contain proof of the sign posting, Debbie Wiley placed a call to the Petitioner on Friday, January 13, 2012. Mrs. Wiley was advised by Ms. Senez that she forwarded a letter to Arnold Jablon, dated January 5, 2012, informing that she would not be pursuing the special hearing at that time. Ms. Senez provided this letter to Mrs. Wiley at 1:53 PM on Friday, January 13, 2012 (via email), and Kristen Lewis was advised of this information same day (via email).

On the morning of January 18, 2011, there was no one in attendance at 10:00 AM, and no testimony was taken.

This matter is being returned to you. Thanks.

JEB:dlw

c: File

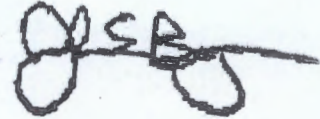
MEMORANDUM

TO: Kristen Lewis
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FROM: John E. Beverungen, Administrative Law Judge
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DATE: January 18, 2012

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JEB:dlw

c: File 

Linda A. Senez, CPCU
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

January 5, 2012

Mr. Arnold Jablon, Director
Deputy Administrative Officer
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Re: Senez Special Hearing
Case # 2012-0141-SPH

Dear Mr. Jablon,

I won't be pursuing the special hearing at this time. I shouldn't have to move my property line or rebuild a wall that has been there prior to August 1973. A wall that has been the property line since that time. The previous owners of 339 Worton Rd. basically relinquished the property in 1974. I have seven signed affidavits attesting to the wall's length of time and the property not being disputed when the Cooks bought 339 Worton Rd. in 1973. From 1973 until 2004, the wall remained the property line, thirty years, well beyond the 20 years for adverse possession in Maryland. The Collins didn't discover the property line discrepancy until spring of 2004. I have been totally screwed by the legal system but haven't given up hope that I can turn this catastrophe around.

There are five properties separated by walls including mine and the Collins other side, along Worton Rd, all appearing to have been put in around the same time.. Not one of those walls follows the property line. The Collins and the previous owner of 339 Worton Rd the Cooks have had the use of the 347 sq. ft. of property along the back portion of my property and I along with the Myers have had the use of the 291 sq. ft. of property along the front since 1973. Collins testified in court that they plugged weep holes in the 52 inch high wall. The Collins plugged the weep holes after discovering the discrepancy because they didn't have access to my side of the wall without jumping the wall. Collins actions have caused damage and continues to cause erosion to my property, which is why I was considering building the wall.

Collins testified under oath the property line wall was a cooperative effort for the construction and mutual use of a boat ramp between Mr. Cook and Mr. Myers. Collins testified the property line wall jog was necessary because there was a jog in the railroad tie terrace wall on Mr. Myers property and that, "needed to be to back boats down to the ramp." Mr. Myers

January 5, 2012

Mr. Arnold Jablon, Director

Re: Senez Special Hearing

property, and be basically in your yard since there is no other restriction on their access? The Collins and I were friends up until April of 2004. I put up a fence supposedly on Collins property, prior to even settling on my house and we remain friends however when I rebuild a damaged wall on my property they take issue. Their whole time line given in court was erroneous and didn't make sense.

Mr. Myers never said I saw a survey; the house wasn't on the market when I had the realtor approach him. The Court of Special Appeals acknowledges that there's no evidence I ever saw a survey. I never saw a survey prior to settlement. The survey I received at settlement was a location survey and doesn't show boundaries. If I never saw a survey I couldn't have asked the question Ann Collins said I asked.

There are other gross inaccuracies in the Collins testimony. All of the documents negating Collins erroneous assertions were given to my attorney however he didn't present them at trial, despite my pleadings. I can dispute most of what the Collins stated in court with the exhibits that were entered including Mr. Myers deposition. Mr. Myers is the only one with knowledge of the properties along with George Cook, III. Under the circumstances I shouldn't have to give up my property. I'm entitled to a fair trial which I didn't get as a result of the Collins "lies." At the very least, I should be granted a new trial and given the opportunity to present the information which I made available, to my attorney, as of the December 8th, 2006 trial date.

I have requested a new trial in the above adverse possession case without much success. I've also written the States Attorney, Scott Shellenberger. The state can prosecute but won't prosecute for perjury in civil matters. How can anyone expect criminals to tell the truth under oath if we don't even hold the average citizen to a standard. In addition criminals can get court appointed attorneys. Scott Shellenberger has declined to prosecute stating, "your allegations do not rise to the level of a criminal case". I would like to know why a fabricated story and numerous other lies given by both Mr. & Mrs. Collins throughout the trial, do not rise to the level of criminal. The Collins are being rewarded for their reprehensible behavior. My court date with Mr. Carney isn't until April, 2013. I would appreciate any advise that you can give me while I continue to try and make this situation right.

Respectfully,

Linda A. Senez



CACA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 341 WORTON RD.
which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and 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

For a waiver pursuant to Section 500.6 BCZR; Section 3112.0 Building Code; and Sections 32-4-107.(a)(2), 32-8-302 BCC to build a landscape wall with fence on top in a tidal floodplain; and a waiver pursuant to Section 122.4 of the Baltimore County Building Code to permit a landscape wall with fence in the front yard with a maximum height of 74-inches in lieu of the permitted 42-inches.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

LINDA ANN SEWEL
Name - Type or Print

Signature

Name - Type or Print

Signature

341 WORTON RD.
Address

410-409-5154
Telephone No.

BALTO. MD
City

State

21221
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2012-0141-SPH

Reviewed By D.T. Date 12/1/11

ZONING DESCRIPTION

Zoning Description For 341 Worton Road

Beginning at a point on the East side of Worton Road, which is 30 feet wide at the distance of 50 ft. north of the centerline of the nearest improved intersecting street Sasafrass Road, which is 30 ft. wide. Being Lot # 134 in the subdivision of Middleborough as recorded in Baltimore County Plat Book #0004, Folio# 0191, containing 17,990 square feet. Also known as 341 Worton Road and located in the 15th Election District, 7th Councilmanic District.



CBCA
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 341 WORTON RD.
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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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

X LINDA ANN SENEZ
Name - Type or Print _____

X _____
Signature _____

Y _____
Name - Type or Print _____

Signature _____

341 Worton Rd. 410-409-5154
Address _____ Telephone No. _____

Balto. MD. 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2012-0141-SPH

REV 9/15/98

Reviewed By D.T. Date 12/1/11

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**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2012-0141-SPH

Petitioner: SENEZ

Address or Location: 341 WORTON RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. LINDA ANN SENEZ

Address: 341 WORTON RD.

BAKTO. MD 21221

Telephone Number: 410-409-5154

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **74922**

Date: 12/1/11

PAID RECEIPT

BUSINESS ACTUAL TIME DWM
 2/02/2011 12/01/2011 11:21:56 2
 R.D. #502 MAIL JENN JEE
 >>RECEIPT # 757010 12/01/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dgt
001	806	0000		6150						75.00	

5 528 ZONING VERIFICATION

NO. 074922

Recpt Tot \$75.00

\$75.00 OK \$1.00 CA

Baltimore County, Maryland

Total: 75.00

Rec
 From: LINDA GENEZ

For: 2012-0141-SPH
341 WORTON RD.

D-THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0141-SPH
341 Worton Road
E/side of Worton Road, 50 feet north of centerline of Sasafrass Road
15th Election District
7th Councilmanic District
Legal Owner(s): Linda Ann Senez

Special Hearing: for a waiver to build a landscape wall with fence on top in a tidal floodplain; and a waiver to permit a landscape wall in the front yard with a maximum height of 74 inches in lieu of the permitted 42 inches.

Hearing: Wednesday, January 18, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/1/624 Jan 3 294128

CERTIFICATE OF PUBLICATION

1/5/ 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/3/ 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 3, 2012 Issue - Jeffersonian

Please forward billing to:
Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

410-409-5154

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15th Election District – 7th Councilmanic District

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 27, 2011

NOTICE OF ZONING HEARING

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341 Worton Road

E/side of Worton Road, 50 feet north of centerline of Sasafrass Road

15th Election District – 7th Councilmanic District

Legal Owner: Linda Ann Senez

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Hearing: Wednesday, January 18, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Linda Senez, 341 Worton Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 3, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 5, 2012

Ms. Linda Senez
341 Worton Road
Baltimore, MD 21221

RE: Case Number 2012-0141-SPH, 341 Worton Road

Dear Ms. Senez,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 1, 2011 letter is not an approval, but only a **NOTIFICATION**.

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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2011
Item No. 2012-0141

DATE: December 19, 2011

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

The base flood elevation for this site is 8.5[NAV88]

The flood protection elevation for this site is 9.5 feet.

Structure shall be designed and adequately anchored to prevent flotation, collapse or lateral movement, with materials resistant to flood damage.

Flood resistant construction shall be in accordance with Baltimore county building code which adopts, with exceptions, the international building code.

DAK:CEN

cc:file

ZAC-ITEM NO 12-0141-12262011.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

Date: 12-13-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

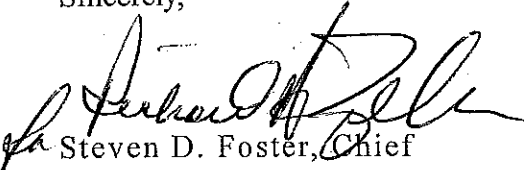
RE: Baltimore County
Item No. 2012-0141 SPH
Special Hearing
Linda Ann Senez
341 Worton Road

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0141-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 13 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (DEPS) -
Development Coordination

DATE: January 12, 2012

SUBJECT: DEPS Comment for Zoning Item # 12-0141-SPH
Address 341 Worton Road
(Senez Property)

Zoning Advisory Committee Meeting of December 12, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. Based on the Code, the lot coverage area on the property is limited to 25% of the property area above mean high water or a maximum of 31.25% of that area, if approved and with mitigation for the amount over 25%. In this case, the lot coverage exceeded the maximum allowed prior to the Critical Area law and cannot be increased. Existing lot coverage will be evaluated for compliance at the time of permit application review, and removal of lot coverage may be required. According to the applicant's plan, the proposed block wall would not exceed 1-foot in width and therefore would not increase the lot coverage. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning petition be conditioned to require adherence to all lot coverage requirements. Lot coverage is as defined in Natural Resources Article §8-1802(a)(17).

2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by complying with all Critical Area requirements including mitigation.

The current development of the property limits water quality and habitat functions, but can maximize water quality management by adhering to lot coverage limits and tree/shrub requirements established in the Critical Area law. It is recommended that the zoning petition be conditioned to require conformance with Critical Area requirements for minimum tree cover, and to offset water quality impacts associated with any lot coverage proposed on-site.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a one-foot wide block wall can be consistent with this goal provided that lot coverage on the property, and trees/shrubs on the site meet Critical Area requirements and that any new lot coverage is mitigated. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above.

- Paul Dennis; Environmental Impact Review

RE: PETITION FOR SPECIAL HEARING
341 Worton Road; E/S Worton Road, 50' N
Of c/line of Sasafrass Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Linda Ann Senez
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-141-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

DEC 14 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2011, a copy of the foregoing Entry of Appearance was mailed to Linda Ann Senez, 341 Worton Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Linda A. Senez, CPCU
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

November 30, 2011

Zoning Review
111 West Chesapeake Avenue
Room 111
Towson, Md. 21204

Re: 341 Worton Rd. Special Hearing

Dear Sirs,

This zoning request is being made as a result of losing my adverse possession case. There was a concrete block wall separating my property 341 and the Collins property 339 when we both purchase our homes in 2000. There was no reason for me to believe that the wall was not the property line as the property on my side of the wall extends out into Norman Creek beyond the Collins property. There is also a significant difference in the ground height between the two properties.

To complicate things more the Collins plugged up the 10 weep holes in the wall sometime between 2004 and 2006. The wall ran anywhere from 24 inches to 52 inches in height. The wall consequently fell on June 27, 2006 during a heavy rainstorm. In order from me to move my fence to the actual property line, I will have to build a landscape wall to support the differences in property height, between 341 and 339.

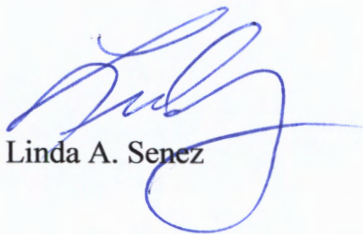
There are walls along Worton Road between: 407 & 343; 343 & 341; 341 & 339; 339 & 337; 337 & 335. I've tried to obtain information on who built the walls. It's unlikely individual owners would all have done so when many of the houses were shore shacks back then. None of those walls are on the property line.

Judge Souders court ruling interferes with the Chesapeake Bay Critical Area, Buffer Zone. Compliance will adversely affect my property and the future enjoyment of my property. In an effort to make the best of a very bad situation I would like the wall to run the length to my current bulkhead. This would optimize the separation between 341 & 339.

November 30, 2011
Zoning Review

I'm enclosing a copy of my letter to Scott Shellenberger, States Attorney requestting a new trail. That letter will provide more detail of the current situation. I believe that someone from zoning should visit my property in order to evaluate and obtain a better understanding of the properties..

Respectfully,



Linda A. Sencz

Encl. Scott Shellenberger, States Attorney
Mr. Carney's deposition

Linda A. Senez, CPCU
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

November 29, 2011

Mr. Scott D. Shellenberger, Baltimore County State's Attorney
Baltimore County State's Attorney Office
County Courts Building, Room 511
401 Bosley Avenue
Towson, Md. 21204

Re: Senez v. Collins
03-C-04-010227 OC

Dear Mr. Shellenberger,

I respectfully request a new trial in the above adverse possession case. In as much as I've learned that the state can but won't prosecute perjury in civil matters, I believe this to be a reasonable request. The consequences of losing have created extreme hardship. It is also unlikely I will be able to comply with the courts ruling as it interferes with the Chesapeake Bay Critical Area, Buffer Zone and the enjoyment of my property.

I've lived in Maryland my whole life and worked since I was 16. I'm a hard working, law abiding, tax paying citizen, who purchased my home and renovated it. I can document the wall has been there since the late sixties and probably longer. The previous owners of 339 Worton Rd. basically relinquished the property in 1974 according to George Cook, III, the son of George Cook who purchased the property in 1973.. I have signed affidavits attesting to the walls length of time and the property not being disputed. From 1974 until 2004, the wall remained the property line, thirty years, well beyond the 20 years for adverse possession in Maryland.

I purchased my property 341 Worton Rd., in November 2000. The Collins purchased 339 Worton Rd. in 2000 however they tore the original house down and moved in upon completing in July 2001. The wall didn't become an issue until 2004. I had to replace a creosote railroad tie retaining wall on my property damaged by Hurricane Isabel. The Collins were unhappy about the construction and in their quest to have the work stopped, discovered that the property line wasn't the wall which physically separates our two properties. They decided to use this information in an effort to have me take down my boathouse which has been there since the 1930's, to enhance their view across my property.

The Collins made numerous misstatements under oath in court as I've already pointed out in previous letters. Those statements prejudiced the opinion and decisions made by the trial Judge. This isn't a case of my opinion versus the Collins, everything I'm stating can be proven. My lawyer, Mr. Carney's deposition states he didn't use the exhibits and witnesses I provided. He claims trial tactics which is ridiculous since he was unprepared and allowed the Collins to carry forth with their rants. A copy of Mr. Carney's deposition is enclosed. Mr. Carney's billings will dispute his preconceived idea of the amount of time spent on my case, which was very little. During the eleven months Mr. Carney represented me there were three meetings for a total of 6 hours and 54 minutes and five phone calls for a total of 90 minutes. Numerous settlement offers were prepared, at my expense, however the Collins would always decline and not make any counteroffers. The case was never in settlement mode during Mr. Carney's representation.

Judge Souder was very confused at the closing of the trial which can be confirmed in the court transcript as she delivered her ruling. In fact she had to recant her initial ruling and revise it.

Collins testified the property line wall was a cooperative effort for the construction and mutual use of a boat ramp between Mr. Cook and Mr. Myers. Collins testified the property line wall jog was necessary because there was a jog in the railroad tie terrace wall on Mr. Myers property. Mr. Myers purchased his home in 1981. Mr. Myers stated in his deposition that the property line wall was there when he purchased the property. Furthermore, Mr. Myers said he put in the railroad tie terrace wall after he purchased the property. I have seven signed affidavits from people with knowledge of the property stating that the walls were there in the late 60's and early 70's. Three of the affidavits state that the boat ramp was also there during that time. This is well beyond the 20 years needed to establish adverse possession which was the only real issue in the lawsuit. Nothing was ever said when I repaired the boat ramp on 6/22/02.

Mr. Myers never said I saw a survey; the house wasn't on the market when I had the realtor approach him. The Court of Special Appeals acknowledges that there's no evidence I ever saw a survey. I never saw a survey prior to settlement. The survey I received at settlement was a location survey. The two realtors involved when I bought the house are not aware of any survey provided by Mr. Myers.

The Collins said in their interrogatories that they had two surveys. I now have copies of both of those surveys; one with Spellman, Larson and the other with William Deegan. They are location surveys and don't show anything concerning the boat ramp or their property extending on my side of the wall. I have a copy of their plot plan filed with Baltimore County. It also doesn't show the boundaries as Collins indicated. Collins didn't introduce the surveys or plot plan in court as exhibits. Collins presented the boundary survey they had done in June of 2004.

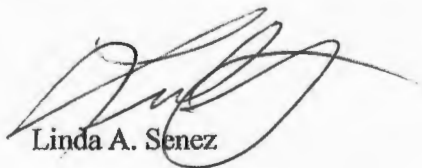
Every measurement the Collins gave in court was inaccurate, all in their favor. This can be verified by the joint survey exhibits, exhibit #2 Senez and exhibit #3 Collins.

Baltimore County Office of Planning has a GIS aerial map dated April 2002. The map shows the ladder ramp which Collins had made and used since that time. The ladder ramp is significant from the standpoint that if Collins had free access to my boat ramp, they wouldn't have needed a ladder ramp. I also have pictures that I took right after Hurricane Isabel, 9/20/03, which shows my old creosote retaining wall and Collins ladder ramp. Steve Collins stated in court that he built the ladder ramp after I obtained the peace order on 6/25/04.

Ann Collins stated in court that I asked if my fence could follow the wall in lieu of the property line. The Court of Special Appeals overturned the trial courts decision with the exception of that one question and remanded the case back to the trial court. Ann Collins statement was not in her interrogatories. I never asked the question since I had no reason to believe the wall wasn't the property line. Would you or anyone put up a fence creating a situation where people you don't know, their family, friends and dogs would have to cross over that fence line to access their property, and be basically in your yard? The Collins and I were friends up until April of 2004. I wrote their insurance from 11/7/02 to 11/7/05. I put up a fence supposedly on their property in November 2000 and we become and remain friends however when I rebuild a damage wall on my property, after Hurricane Isabel, they take issue. The Collins whole time line given in court was erroneous.

There are other gross inaccuracies in the Collins testimony. All of the documents negating Collins erroneous assertions were given to my attorney however he didn't present them at trial, despite my pleadings. I can dispute most of what the Collins stated in court with the exhibits that were entered. Under the circumstances I shouldn't have to give up my property. I'm entitled to a fair trial which I didn't get as a result of Collins "misstatements" and my attorneys inadequacies. At the very least, I should be granted a new trial and given the opportunity to present the information which I made available as of the December 8th, 2006 trial date. I would appreciate your response as timely as possible since the Collins have filed a Petition for Contempt.

Respectfully,



Linda A. Senez

Encl. Mr. Carney's deposition

Debra Wiley - Fwd:2012-0141-SPH

From: Debra Wiley
To: Lewis, Kristen
Date: 1/13/2012 2:00 PM
Subject: Fwd:2012-0141-SPH
CC: Adams, Sarah; Zook, Patricia
Attachments: RE: Arnold Jablon letter 1-5-12

Kristen,

Just a "heads up" about the above set for Wed., Jan. 18th @ 10 AM. Please see attached information. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Thanks,
Linda

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/9/2011 8:55 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thanks.

2012-0138-XA - 3219 E. Joppa Rd.
(No hearing date in data base as of 12/9)

2012-0141-SPH - 341 Worton Road - (CBCA)
(No hearing date in data base as of 12/9)

2012-0142-SPH - 4508-4514 Painters Mills Road
(No hearing date in data base as of 12/9)

2012-0143-SPHA - 2119 York Road
(No hearing date in data base as of 12/9)

2012-0144-SPHX - 10729 Park Heights Avenue
(No hearing date in data base as of 12/9)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

1 BRADFORD G.Y. CARNEY, ESQUIRE, IN THE
2 et al. CIRCUIT COURT
3 Plaintiffs FOR
4 vs. BALTIMORE COUNTY
5 LINDA A. SENEZ Case No. 03-C-08-012713
6 Defendant

7 _____/
8 LINDA A. SENEZ
9 Counter-Plaintiff

10 vs.
11 BRADFORD G.Y. CARNEY, ESQUIRE,
12 et al.
13 Counter-Defendants

14 _____/

15 The deposition of BRADFORD CARNEY was held
16 on Thursday, August 25, 2011, commencing at 10:45 a.m.,
17 at the Law Offices of Royston, Mueller, McLean & Reid,
18 LLP, 102 West Pennsylvania Avenue, Suite 600, Towson,
19 Maryland 21204, before Paula J. Eliopoulos, Notary
20 Public.

21 REPORTED BY: Paula J. Eliopoulos

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Deposition of Bradford Carney

August 25, 2011

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Deposition of Bradford Carney

August 25, 2011

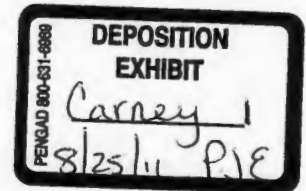
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Deposition of Bradford Carney

August 25, 2011

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ROYSTON, MUELLER, McLEAN & REID, LLP
ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7899

www.rmmr.com

January 13, 2006

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUPPER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD

LEANNE M. SCHRECENGOST
DOUGLAS S. WALKER+
DAVID F. LIBBY
KELLEY M. JAMES

OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P.A.
H. ELSIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRAITH

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D.C.
+ ALSO ADMITTED IN PA.

Ms. Linda A. Senez
341 Worton Road
Baltimore, Maryland 21221

Re: Collins, et vir v. Senez
Baltimore County Circuit Court
Case No. 03-C-04-010227

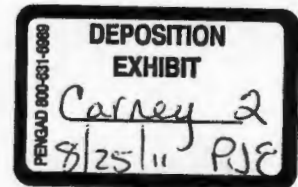
Dear Linda:

I enjoyed meeting you this morning along with Rusty Bergen to discuss the facts and circumstances surrounding your involvement in the captioned litigation now pending before the Circuit Court for Baltimore County. The purpose of this correspondence is to outline the terms and conditions on which I have agreed to undertake your representation as co-counsel with William B. Bergen, Jr., Esquire in this proceeding. Accordingly, I will take all steps which I deem to be both reasonable and appropriate to both defend the Complaint filed by Ann and Steve Collins against you and to prosecute your Counter-Complaint.

I have advised you that all legal fees accruing to you throughout the course of my representation will be calculated at my standard hourly rate of \$275.00 or the hourly rates of any of the other firm attorneys or paralegals who I may ask to assist me on your matter under my supervision. Currently, the firm's partners' rates range from \$175.00 to \$325.00 per hour, our associate attorneys' time is billed at rates of \$135.00 to \$175.00 per hour and our paralegals' times is billed at \$90.00 per hour. In addition to legal fees, I would ask that you agree to reimburse the firm for any out-of-pocket expenses we may incur on your behalf throughout the course of our representation. These expenses include, but are not necessarily limited to, photocopies, long distance facsimile transmissions, long distance telephone calls, overnight mail/federal express, messenger/delivery services, parking, deposition transcripts, expert witness fees, travel at business class rates, etc. Please bear in mind that some of the expenses that you will be asked to repay exceed the firm's actual costs in an attempt by us to defray the expenses associated with providing our clients with these types of services. In the event that I anticipate incurring large expenses for items such as deposition transcripts and/or expert witness fees, I reserve the right to

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
February 8, 2006

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 20667 BGC
Our file# 30618 0001

RE: Collins, et vir v. Senez

Escrow/Retainer balance carried forward \$2,500.00

PROFESSIONAL SERVICES

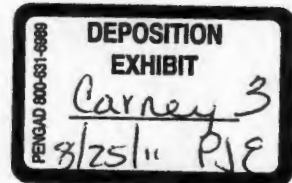
01/12/2006	BGC	0.50	Senez - Review pleadings to prepare for meeting tomorrow.
01/13/2006	BGC	2.50	Meeting with Linda and W.B. Bergen, Esq. at Linda's home; round trip travel thereto; opened file and drafted engagement letter.

Total Fees \$825.00

Summary

Total professional services	\$825.00
Total expenses incurred	\$0.00
Total of new charges for this invoice	\$825.00
Less trust amount applied to this invoice *	\$825.00 CR
Total balance now due	\$0.00

* Escrow/Retainer remaining balance is \$1,675.00



ANN COLLINS
STEVE COLLINS

* IN THE

Plaintiffs

*

* CIRCUIT COURT

*

v.

LINDA ANN SENEZ

* FOR

Defendant

*

* * * * * BALTIMORE COUNTY
LINDA ANN SENEZ

Counter-Plaintiff

*

v. CASE NO. 03-C-04-010227 OC

STEVE COLLINS
ANN COLLINS
and

*

*

NATIONAL CITY MORTGAGE
COMPANY

*

*

Counter-Defendants

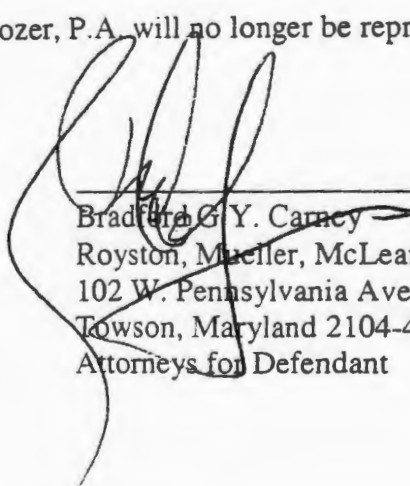
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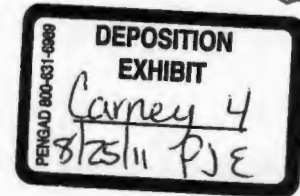
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Bradford G.Y. Carney and Royston, Mueller, McLean & Reid, LLP, as attorneys for Defendant, Linda Ann Senez. Edward C. Covahey, Jr. and Bruce Edward Covahey and Covahey and Boozer, P.A. will no longer be representing Defendant in this proceeding.

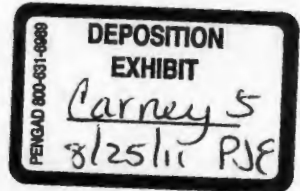
DYSTON, MUELLER,
LEAN & REID, LLP
SUITE 600
102 W PENN AVE
TOWSON MARYLAND
21204-4575
410-823-1800


Bradford G.Y. Carney
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 2104-4575
Attorneys for Defendant



1 is certainly not esoteric by any means, it doesn't come up as
2 counsel indicates on a day in, day out basis but it does come
3 up periodically. Mrs. Senez, Ms. Senez and the Collins are
4 next door neighbors on a creek down off of Middle River and
5 they, like neighbors do at times, got into this war, a war that
6 I got into long after the fact. I was the third lawyer
7 involved in this case. He doesn't tell you about the other
8 lawyers that she either fired or they had to leave the case.
9 Covahey's firm was involved in the case initially and then
10 Judge Ensor, when she was a member of Whiteford, Taylor, was
11 her second lawyer. Judge Ensor was elevated to this bench and
12 needed obviously to withdraw from the case. The case was
13 referred to me. I took the case only on the condition that I
14 could get it postponed because it was set for trial within a
15 couple weeks of me coming on board. I was successful in that
16 regard. Discovery to the extent that it had been done was
17 done. There's no, let's talk about this Motion. There are a
18 lot of red herrings flopping around the floor. I'm not even
19 sure where to step because counsel has thrown so many on the
20 bench and throughout the courtroom, they really are of no
21 consequence. What we're here to focus on and what I'd ask the
22 Court to remain focused on is the Order of Default that was
23 entered and the Motion for the vacation of that Order of
24 Default. There is no question, your Honor, that we are
25 entitled to the Order of Default, there's no question that

ROYSTON, MUELLER, McLEAN & REID, LLP
ATTORNEYS AT LAW



OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D.C.
* ALSO ADMITTED IN PA.

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TOWSON, MARYLAND 21204-4575

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May 25, 2006

HAND DELIVERED

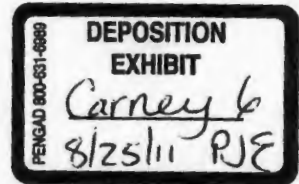
Ms. Pearl Burdynski, Civil Assignment
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Collins, et vir v. Senez
Baltimore County Circuit Court
Case No.: 03-C-04-010227 OC

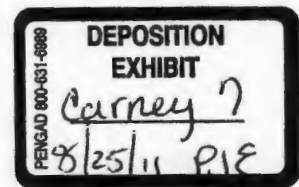
Dear Ms. Burdynski:

A review of the captioned Civil proceeding will disclose that Plaintiffs' Complaint was docketed on September 29, 2004, and was answered by the Defendant on October 25, 2004. Since that time, this case has had a tortured history of failed settlement attempts through private mediators and before Judge Cicone. These failed attempts at settlement have knocked this case off the traditional track toward trial. In light of this case's age, it is now time to secure a Scheduling Order which would address the closure of discovery. Additionally, I would respectfully request that this matter be set in for trial.

I realize that the Court's new scheduling procedure mandates that trial dates are not given until the parties attend their Settlement Conference. However, in light of the number of Settlement Conferences which have already taken place in this matter, to order the parties to attend yet another Settlement Conference would be both an exercise in futility and a waste of your Court's time. Accordingly, I would respectfully request that this matter be assigned a trial date after a conference call, which I will be happy to initiate, between all parties to secure an agreed upon trial date.



1 is certainly not esoteric by any means, it doesn't come up as
2 counsel indicates on a day in, day out basis but it does come
3 up periodically. Mrs. Senez, Ms. Senez and the Collins are
4 next door neighbors on a creek down off of Middle River and
5 they, like neighbors do at times, got into this war, a war that
6 I got into long after the fact. I was the third lawyer
7 involved in this case. He doesn't tell you about the other
8 lawyers that she either fired or they had to leave the case.
9 Covahey's firm was involved in the case initially and then
10 Judge Ensor, when she was a member of Whiteford, Taylor, was
11 her second lawyer. Judge Ensor was elevated to this bench and
12 needed obviously to withdraw from the case. The case was
13 referred to me. I took the case only on the condition that I
14 could get it postponed because it was set for trial within a
15 couple weeks of me coming on board. I was successful in that
16 regard. ~~Discovery to the extent that it had been done was~~
17 ~~done~~. There's no, let's talk about this Motion. There are a
18 lot of red herrings flopping around the floor. I'm not even
19 sure where to step because counsel has thrown so many on the
20 bench and throughout the courtroom, they really are of no
21 consequence. What we're here to focus on and what I'd ask the
22 Court to remain focused on is the Order of Default that was
23 entered and the Motion for the vacation of that Order of
24 Default. There is no question, your Honor, that we are
25 entitled to the Order of Default, there's no question that



August 30, 2006

Robert J. Thompson, Esquire
J. Neil Lanzi, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Re: Collins, et vir v. Senez
Baltimore County Circuit Court
Case No. 03-C-04-010227

Dear Rob:

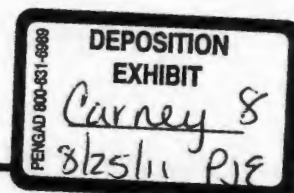
As you know, the Senez and Collins properties were divided by a cement wall which recently collapsed as a consequence of unknown persons intentionally clogging up the ten drain holes in the wall. Although Ms. Senez does not have any direct evidence of your clients' involvement in this type of puerile and criminal conduct, I think we all know who is responsible for the destruction of her wall.

Do Mr. and Mrs. Collins plan to repair or replace the wall? If Ms. Senez has the wall reconstructed, will your clients contribute 50% of the costs? Rob, this matter has got to be resolved immediately in light of the late summer thunderstorms and/or hurricanes which we all know will be effecting our weather over the next thirty to forty-five days.

The courtesy of a prompt response would be most appreciated.

Lastly, we need to finalize the date on which we will be traveling to South Carolina to take the deposition of Mr. Arthur L. Myers. I am going to be in Hilton Head from the 26th through the 29th of October and will probably go down a few days early to visit with friends. Since I will already be in the area, it was my hope that we could take the deposition of Mr. Myers on Monday, October 23 or Tuesday, October 24. Please let me know if these dates work for you so we can make the appropriate arrangements with Mr. Myers and a local court reporter.

Linda Senez



From: Linda Senez
Sent: Monday, October 30, 2006 3:57 PM
To: 'Brad G. Carney'; 'Rusty Bergen'
Subject: Deposition

Importance: High

Attachments: Document.pdf; Covahey's response on Mr. Myers; Judy's response on Mr. Myers; Document.pdf; Document.pdf; FW: Mr. Myers; Essex Country Club jpg.jpg; 341 Worton Rd.jpg; 341 Worton Rd-1.jpg

						
341 Worton Rd.jpg (41 KB)	Covahey's sponse on Mr. Myer	341 Worton Rd-1.jpg (42 KB)	Document.pdf (161 KB)	Document.pdf (136 KB)	FW: Mr. Myers	Essex Country Club jpg.jpg (55...

Brad,

Attached are some of the documents and items discussed last week.

- 1- Feb. 1984 Zoning Variance. Don't know why Lanzi brought it up, but it does mention the walls separating the properties.
- 2- Covahey's discussion with Mr. Myers. Confirmed by e-mail.
- 3- Ensor's discussion with Mr. Myers. Confirmed by e-mail.
- 4- Site plan I received at settlement. Which wouldn't give me a clue about the real property line.
- 5- Settlement option I proposed once before since splitting the boat ramp is not a viable option for me. See attached boundary survey. Mr. Myers put in the side bulkhead and ramp, so I keep that. Collins gets the little pie shaped strip in orange. I move my fence over. I've colored the water blue. The darker blue is the side bulkhead and ramp. I can live very happy with this.
- 6- Rusty's discussion with Mr. Myers. Confirmed by e-mail.
- 7 & 8- Pictures of house when Mr. Myers bought it. I also have a copy of some type of settlement sheet when he purchased the property. Let me know if you want a copy.
- 9- The mystery picture Lanzi showed Collins- I tracked the mystery picture of the Essex - "Country Club" down. So far I've been referred to several addresses and none are accurate. I'm going to check it out further. My lot however is only 50' wide and if you do the calculations this building is much wider.

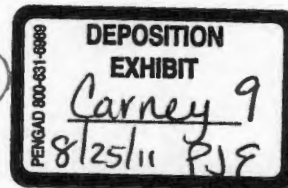
The two real estate agents that can confirm 341 was not on the market when I met with Mr. Myers and put in a bid are; Chris Barkley from Home Selling Assistance and Joan Bowerman I think she's with Long and Foster.

I thought Lanzi and Collins looked a little perky when Mr. Myers stated that the sump pump had a drain out to the river. I just had that re-done. As long as it's all sub-surface water, there isn't an issue of drainage into the river.

Linda

2005-298-A

84-188-A



IN RE: PETITION ZONING VARIANCES
E/S of Worton Road, 76' N of
Sassarinas Road (441 Worton
Road) - 15th Election District

Arthur L. Myers, et ux,

Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-188-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of one foot instead of the required 2 1/2 feet and an average height of 19 feet instead of the required 15 feet, as more fully described on Petitioners' Exhibit 1.

The Petitioner, Arthur L. Myers, appeared and testified. There were no contestants.

Testimony indicated that the property in question is zoned B-2, R-1, and is 50' x 350'. The Petitioners own and reside in the dwelling situated on the lot and have constructed a 24' x 24' garage to the rear of the home. The garage has a storage area on top with an outside entrance as shown on Petitioners' Exhibit 1. The garage was constructed at the end of the existing driveway to the left of the house and is attached to an existing 10' x 10' building.

The Petitioners received a building permit to construct the garage but were unaware of the height restriction imposed by the Baltimore County Zoning Regulations (BCZR). Since they wanted and needed more storage area, they decided to add the second story to the garage. The subject property is bordered on each side by a retaining wall necessitated by existing slopes. Although the Petitioners are unsure of how far the retaining wall is from the side property line, they believe it is about one foot inside. Since they constructed the garage 1 1/2 feet from the wall, they thought the garage met the required side yard setback.

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1 to Myers testimony, and maybe somebody before Cook
2 built the wall because the wall certainly was rebuilt
3 sometime between 1980 and 2000.

4 Well, 2000 when Cook moved out the net effect
5 of that wall, I'm talking about the purple area, the
6 part of the jog up to street, when the net effect of
7 that wall was to contain property, generally agreed, I
8 think, the spirit of Myers's deposition transcript is
9 that that line was the demarcation, if you will, of the
10 property.

11 I have case law on that that says when, you
12 know, a wall or fence that serves as a demarcation
13 line, that is pretty good evidence that somebody has
14 sequestered an area and that there is some adverse
15 possession going on there.

16 Your Honor, there are, with the Courts
17 indulgence, a couple of things I would want to point
18 out.

19 THE COURT: I don't know when the wall was
20 built, correct?

21 MR. THOMPSON: What's that?

22 THE COURT: I don't know when the wall is
23 built.

24 MR. THOMPSON: No, we don't know exactly when
25 the wall was built.

BALTIMORE COUNTY CIRCUIT COURT

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1 THE COURT: I don't know if it was built 20
2 years ago.

3 MR. THOMPSON: Well, Mr. Myers, I believe in
4 his testimony says that Cook rebuilt the wall at some
5 point between 1981 when Myers took possession of 341
6 and 2001 when Myers left. So, we have to assume that
7 the wall was where the wall is or actually, you know,
8 where it was because part of it has fallen down. So, I
9 think the wall is pretty good indicia.

10 THE COURT: The purple part of the wall,
11 that's the part that fell down.

12 MR. THOMPSON: Your Honor, the part that fell
13 down. Your Honor, I believe it is all to the east of
14 the area, most of that wall, where the shed is and sump
15 pump discharged and continuing up to street is still
16 standing. My clients are nodding their heads. So to
17 the east or water side of the property from about the
18 shed on down where the wall has fallen.

19 THE COURT: The other part of the wall, I
20 don't know that it has been there for 20 years, that's
21 the problem with the adverse possession claim on behalf
22 of the Collins. I don't have any evidence how long the
23 wall has been there.

24 MR. THOMPSON: I understand that, Judge, and
25 urge you to read the Myers transcript as to the whole

BALTIMORE COUNTY CIRCUIT COURT

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1 wall. What Mr. Myers is talking about when he adverts
2 to Mr. Cook building the wall or rebuilding the wall,
3 certainly, your Honor, you know, if you don't chose to
4 look at it that way I can understand that as well.

5 THE COURT: I mean, he seems to -- seems very
6 vague about the wall, when it was built.

7 MR. THOMPSON: Yeah, he is vague on a number
8 of things. In fact, I think that's why you have to get
9 50 pages deep in the transcript and discover Mr. Myers
10 is actually talking about the wall on the other side of
11 the property for -- for an hour. So, um, so, now there
12 is -- there is some vaguery definitely in that
13 transcript.

14 THE COURT: The 337 property, part of the wall
15 he was talking about.

16 MR. THOMPSON: Would it be 343.

17 THE COURT: No, 343 is on the other side of
18 Ms. Senez.

19 MR. THOMPSON: So the cinder block wall on the
20 337 side, we, yeah, that's right, did talk about that
21 forever.

22 THE COURT: All right. So, I don't have, in
23 looking at his testimony, what I don't have is any
24 indication, I mean, I have a question mark, maybe the
25 late '80's.

BALTIMORE COUNTY CIRCUIT COURT

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1 MR. THOMPSON: Well, your Honor.

2 THE COURT: Seems like that's as far as that
3 ever got pinned down.

4 MR. THOMPSON: At transcript number 67, I
5 believe Mr. Myers talks about the wall, says it existed
6 in 1980. He believed it was built by the preceding
7 owner. At 50 to 51 he talks about the wall, Cook had
8 the wall built to the bulkhead, existed. 1980 fell
9 down, was put back up by Cook with weep holes in it. I
10 believe the fair reading, we are talking about the same
11 wall there in both those instances.

12 Um at, transcript 31, 37 and 86, if I may move
13 on, please stop me if I'm moving too quickly. Mr. Cook
14 I'm sorry, Mr. Myers talks about the boundary line he
15 believed being one foot back from the wall.

16 At transcript 32 and 33 Mr. Myers says he
17 showed Ms. Senez the property line, one foot in from
18 the wall, meaning in toward her residence, but the
19 survey contrasts that with Ms. Senez's testimony today
20 when she said she didn't know where the property line
21 was.

22 Transcript 37 through 39 boat ramp, now back
23 in the blue area, had been used by him for 20 years,
24 but he never says that he was the only one that used
25 it. And as to his adversity on that element,

BALTIMORE COUNTY CIRCUIT COURT

1 that came -- comes from.

2 It is clear the shed is over the line. It is
3 encroachment. It has got to be moved.

4 And then we are left the with 291 square foot
5 area. Mr. Myers's deposition testimony, I submit, was
6 pretty clear about the fact that he built the wall.
7 The bulkhead, one of the first things he did, built the
8 bulk heading and built the ramp, connected the bulk
9 heading to Mr. Cook's property, being a good neighbor
10 and helped solve the erosion Mr. Cook was experiencing.

11 That property was maintained by him during the
12 entire period of his ownership. Mr. Thompson clearly
13 points out to you, rightfully points out to you on page
14 38 of the transcript, was used by you the entire period
15 of the ownership? Yes. That would be 20 year. Yes.

16 The bulkhead I submit to your Honor should not
17 be in question. It was constructed by Mr. Myers, used
18 by Mr. Myers, and for his 20 years of ownership, used
19 by Ms. Senez. When she has been in title of that
20 property it has been open, notorious, hostile, meets
21 all the elements of adverse possession under Maryland
22 law.

23 Clearly the 291 square feet set forth on the
24 joint exhibit as well meets all the evidence of adverse
25 possession. That wall has been up for 20 years until
BALTIMORE COUNTY CIRCUIT COURT

1 it fell. Now a wall fell, but the wall was rebuilt.

2 It was there when Mr. Myers bought the
3 property, I believe his deposition testimony supports
4 that.

5 It was -- it fell during his period of
6 ownership. The testimony was such that it was rebuilt
7 and footprint, no testimony that it was moved or
8 surveyors came in or anybody did anything other than
9 Mr. Cook rebuilt it.

10 And that wall has stood until Mr. Collins
11 decided to plug up the weep holes and the wall came
12 tumbling down within a very relatively short period of
13 time of those weep holes being filled with cement.

14 Clearly, Ms. Senez has a dog with that,
15 clearly as the Court rightfully observes, the water
16 flows from the property to send got on the Collins
17 through weep holes before plugged, was not sufficient
18 quantity fee or frequency as to interfere with
19 peaceable quite use of property, because a picture
20 speaks a thousand words, the place is beautiful.

21 Ms. Senez's testimony is the place is
22 beautiful. Mrs. Collins is a gardener. The grass is
23 green. The shrubs are blooming, looks like something
24 out of Southern Living. Can't come in here with a
25 straight face and say the water flow is damaging them

BALTIMORE COUNTY CIRCUIT COURT

1 in some fashion. It simply hasn't. The proof is in
2 the picture.

3 We all agree, I think counsel readily agrees,
4 that natural runoff can never be the subject of a
5 complaint, how God directs water across one property.
6 There are thunderstorms and rain storms is how it is.
7 So long as you don't artificially change the outside,
8 the water courses, there is no testimony. That was the
9 case at all.

10 The Collins have their own pier. They have
11 their own access, their own pier. They built a lovely
12 home. They designed that home. They decided for their
13 own reasons, your Honor, to cut in one entrance on
14 the -- that porch and cut it at an angle that looks
15 over the Senez property, overlooked the boathouse.

16 Two trees got to get through, cut away a lot
17 of the branches and -- over her porch, that is what
18 this is all about, their view. In their mind they
19 believe they have a legal right to a view. I don't
20 think of any case law that says that, unless you buy
21 it, negotiate for it. They certainly have not done so,
22 Mr. Collins testified as much.

23 That -- that cut into their porch, as such,
24 that is the only way they look out. If they wanted to
25 see -- sit there and encapsulate themselves in plants

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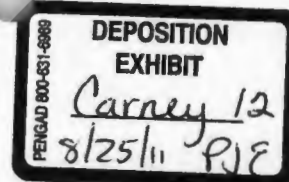
1 and shrubs so they can't look over Norman Creek because
2 of that, that's their choice. They could put up
3 floodlights and security cameras, that is their right
4 as homeowners. Ms. Senez has done nothing more than
5 exercise her rights as a homeowner.

6 I respectfully submit the counter-claim
7 judgement, I request that it should be granted to the
8 291 square feet that Mr. and Mrs. Kramer -- Mr. and Mr.
9 Collins claimed adverse possession of the eastern most,
10 and the western most adverse possession should be
11 denied, failure of proof on their part to establish the
12 elements of adverse possession. And, um, on our hand
13 with Ms. Senez, those elements were clearly
14 established.

15 We've got to put this battle to bed. It has
16 gone on longer than ever should go on. I think all of
17 us would agree on that because at the end of the day
18 they two families still live next door to one another.
19 We can't have them fighting over inches of property and
20 views that, although it may be nice to have and
21 wonderful if you can get them, you are not entitled to
22 them. You are not entitled to them.

23 Unfortunately, that has been something that I
24 believe the Plaintiffs have not recognized. And -- and
25 it is the driving force for us being in the courtroom

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1 CLOSED IN THE EXISTING PORCH, BUT IT WAS THE
2 SAME FOOTPRINT. IN OTHER WORDS, WHAT I BUILT
3 STAYED OVER WHAT WAS THERE. YES.

4 Q WAS THERE ANY TYPE OF FOUNDATION IN THAT
5 FOOTPRINT WHEN YOU PURCHASED THE PROPERTY?

6 A YES.

7 Q WAS THAT A CINDER BLOCK FOUNDATION?

8 A YES.

9 Q DID YOU, WHEN YOU MADE THE IMPROVEMENTS THAT
10 YOU REFERRED TO, EXTEND THE PROPERTY IN ANY
11 DIRECTION? NORTH, SOUTH, EAST OR WEST? WIDEN
12 IT IN SOME FASHION?

13 A NO.

14 Q WAS THERE A RETAINING WALL OF ANY SORT THAT
15 EXISTED WHEN YOU OWNED THE PROPERTY?

16 A A RETAINING WALL, WHERE?

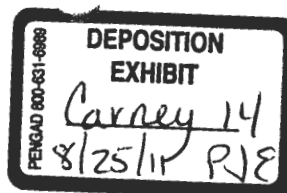
17 Q WALKING DOWN TOWARD THE WATER BETWEEN YOUR
18 PROPERTY AND THE PROPERTY THAT'S NOW OWNED BY
19 MR. AND MRS. COLLINS, LOCATED AT 339 WORTON
20 ROAD.

21 A YES.

22 Q WHAT TYPE OF WALL WAS THERE?

23 A CONCRETE BLOCK.

24 Q DID YOU HAVE YOUR CONTRACTOR ERECT THAT WALL OR
25 WAS IT THERE?



Linda Senez

From: Brad G. Carney [bcarney@mmmr.com]
Sent: Tuesday, December 19, 2006 3:55 PM
To: Linda Senez; Rusty Bergen
Subject: RE: Motion to Alter or Amend

Linda,

You may have given me a "battleship & arsenal" but what I decided to use was based on 29 years of trial experience. You wanted, albeit after the fact, to bring a machine gun to a fist fight. In the exercise of my discretion and implementation of trial tactics and strategy, I selected the exhibits that were not redundant and presented your defense and Counterclaim in the most favorable light. My cross examination of the Collins was devastating to their claims and left the Court with only 2 issues to decide, i.e., who owns what property and who owns the boat ramp. As you know, you prevailed on the Western aspect of the Collins property line claim, convinced the Court that the Collins' shed encroached on your property and lost the Eastern side property line issue. The boat ramp issue was separate from the lot line in that it was constructed by Myers and, according to his deposition testimony in evidence, used exclusively by him for 20 years. I can't explain why Judge Souder ruled as she did in light of Myers testimony, I believe she is wrong as a matter of law and was trying to "split the baby". Such unfathomable rulings are why we have post trial motions practice and appellate courts. I'm not going to address the balance of your e-mail where you attempt to second guess my trial tactics and level of objections - the record will speak for itself.

As to the Motion To Amend Or Alter Or, IN The Alternative, For A New Trial, if you would read my last 2 e-mails, you would understand that such a Motion can't be filed until a final judgment is signed by the court. When that happens, the moving party has 10 days to file the Motion. If no such Motion is filed, an appeal may be noted to the Court of Special Appeals within 30 days of the entry of the final judgment.

Brad Carney

-----Original Message-----

From: Linda Senez [mailto:LSENEZ@dii-insurance.com]
Sent: Tuesday, December 19, 2006 12:35 PM
To: Brad G. Carney; Rusty Bergen
Subject: Motion to Alter or Amend
Importance: High

Brad,

Pursuant to our conversation today, I gave you a battleship & arsenal you decided to go in with a dingy & pea shooter.

Most of the court time was spent talking about my signs. If that was important enough to talk about then so was the height of the wall, the drainage that Collins purposely constructed to drain on my property and all the other issues and pictures I gave you.

You told me you would have someone read and role play Mr. Myers part. I gave you a list of ten witnesses and what they could testify about on my behalf, including the wall. You never called one of them.

1 terraced block wall and structure on the front of the
 2 Senez property. Um, I believe you can see some of the
 3 weep holes in the wall, openings --
 4 Q. Now, to your knowledge --
 5 A. -- down there.
 6 Q. You didn't take that photograph, did you?
 7 A. No, I did not.
 8 Q. To your knowledge is that recent, meaning
 9 within the last six months?
 10 A. Certainly within the last year. And it
 11 naturally is a winter time scene, I had just cut the
 12 grass that grows along that wall. The grass is stacked
 13 up to be moved. So I would have to say I probably last
 14 year.
 15 Q. But it is not any time within the last, well,
 16 since the wall fell down because the wall is up; is
 17 that correct?
 18 A. That's right.
 19 Q. All right. Now, this is -- do you have an
 20 understanding of what the purpose of the wall was when
 21 it was constructed?
 22 A. My understanding from Mr. Myers, and logic of
 23 it is all there, that at the time to maneuver a boat.
 24 MR. CARNEY: Objection.
 25 THE COURT: All right. The objection is

BALTIMORE COUNTY CIRCUIT COURT

1 overruled. Tell us what your understanding was.
 2 BY MR. THOMPSON:
 3 Q. You may continue? Continue, Mr. Collins.
 4 A. Um, to back a trailer down there with a boat
 5 on top of it would have been nearly impossible without
 6 the coordination, if you will, between Mr. Cook and
 7 whoever was there at that time, to move the wall over
 8 to accommodate the boat ramp.
 9 Q. Okay. Now, Mr. Collins, you have answered a
 10 question I didn't ask. Why is the jog there? Stick
 11 with me a minute.
 12 A. Okay.
 13 Q. Why is the wall there, if you know?
 14 A. To retain a higher level of ground on the
 15 other side for the -- the purpose of the boat ramp for
 16 the elevation change.
 17 Q. Okay. So would it be fair to -- to say that
 18 looking at the retaining wall from your side of the
 19 wall at about the area of the yard where your shed is,
 20 and then all the way down toward Norman Creek, the
 21 Collins property its actually at a lower elevation than
 22 the Senez property?
 23 A. That is correct, sir.
 24 Q. So the wall merely retains that difference in
 25 elevation, if you will?

BALTIMORE COUNTY CIRCUIT COURT

1 A. That's correct, higher elevation on the Senez
 2 property.
 3 Q. Okay. Now, you told me why you thought the
 4 jog was there and why -- why could you think that about
 5 the jog?
 6 A. Because at one point Mr. Myers told me that it
 7 had to happen because of that.
 8 Q. Okay. Now --
 9 MR. CARNEY: Objection, move to strike.
 10 THE COURT: All right. The objection is
 11 sustained.
 12 BY MR. THOMPSON:
 13 Q. Um, all right. This is -- well, let's stay on
 14 19 for a moment. Um, do you know how much land we're
 15 talking about, how many feet we are talking about
 16 between the retaining wall and the Senez residence?
 17 A. Well, if directly behind this shed or that
 18 area, probably about a 12 foot area distance between
 19 the wall and her house. If you go down to the water
 20 front area, it is probably the 18 foot or 20 foot area.
 21 Q. If you look at Number 20 right where the wall
 22 makes the jog, that is not a six foot difference is it?
 23 A. No, sir, it is not.
 24 Q. What does --
 25 A. The wall takes a dog leg to the north away

BALTIMORE COUNTY CIRCUIT COURT

1 from this, the Senez house.
 2 Q. Okay.
 3 A. Further over on to our property.
 4 Q. So what -- what else is depicted in that
 5 photograph, if there is anything that you want to tell
 6 Judge Souder about?
 7 A. The grading -- the new grading since the
 8 construction of the higher level terraced area, this
 9 picture also shows this here (indicating), that she's
 10 generated a step down, you know, into her basement door
 11 which was never there before.
 12 They have installed a great deal of fill
 13 material here (indicating), that actually buries the
 14 lower portion of the fence the entire length.
 15 Everything falls, water-wise onto her property, drains
 16 directly, drains directly onto our property.
 17 Q. I'm going to skip ahead for a moment to
 18 Plaintiff's Exhibit 23, have you seen that photograph
 19 before Mr. Collins?
 20 A. Yes, sir, I have.
 21 Q. Do you know where it came from?
 22 A. I don't know who took the picture or --
 23 THE COURT: This is 23?
 24 MR. THOMPSON: Yes, ma'am.
 25 THE COURT: Okay.

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1 property may look askance at all the signage and want
2 to negotiate a lower price for that. I think we have
3 proven, at least, nominal damages. That was only
4 element that needed to be proved, I think we addressed
5 it in that fashion.

6 On the issued of trespass, the fence was built
7 within the disputed area. The area highlighted in blue
8 on that one exhibit is evidence of trespass, continuing
9 trespass.

10 The water directed on to the Collins land, or
11 I guess in the light most favorable to the other side,
12 I will say the disputed territory, we assert is
13 trespass.

14 I suppose if I wanted to be real clever, I
15 could say that the light is trespass. I think the bulk
16 of the testimony, most of the lights Ms. Senez has are
17 directed inward not directed on to the Collins
18 property, so, that would be a reflection. I don't
19 really want to go there.

20 THE COURT: If -- if there is was a lot of
21 water being discharged by this sump pump on to the
22 Collins property, it is difficult to believe that these
23 plants would do as well as they are doing.

24 MR. THOMPSON: Well, remember now, down at the
25 bottom where Ms. Senez talked about the plants that do

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1 well in water, that's an area that also floods from --

2 THE COURT: They are --

3 MR. THOMPSON: -- tides.

4 THE COURT: -- on tidal property.

5 MR. THOMPSON: Yes. So, I'm not sure that --
6 I'm not sure that the point is as much about what
7 damage might have been cause by the trespass of the
8 directed flow of water. Again, I'm not arguing about
9 the natural flow of water, that is what it is, but the
10 fact that it is there and it is directed at the Collins
11 property.

12 If you'll recall from Mr. Myers deposition
13 transcript, um, at one point Mr. Myers says that when
14 he was at the -- at 341 his sump emptied into the
15 driveway. I'm not finding that reference right now, 18
16 to 21, in the transcript. So clearly some things have
17 changed with respect to the water.

18 Now, on to quite title. Um, Ms. Senez claims
19 she has superior title to the lands we highlighted in
20 blue on adverse possession. Our response to that is
21 that the case law tells us adverse possession doesn't
22 start until all elements coalesce, have to remain in
23 place together for a period of 20 years or more.

24 At transcript number 60 Mr. Myers says he
25 didn't know where the property line was. Um, he does

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1 say that he maintained the area, you know, in dispute.
2 He didn't know where the property line was. And I
3 think for his possession of that area, if he ever had
4 any reason to be adverse he would have certainly have
5 had to know where the line was. So there was no
6 adversity as between Myers and Cook. Myers testifies
7 that Myers and Cook worked together. Cook built the
8 wall.

9 Your Honor, I suggest to you and I believe
10 that the photographs, and I'm thinking here especially
11 Plaintiff's Number 23 which Mr. Carney did me a good
12 deed and provided a color example of, shows that the
13 only way to get a boat on a trailer being pushed around
14 by a truck or car down the side of Ms. Senez's house,
15 is for the wall to make a jog, like the creosote
16 railroad tie portion that was formerly there also made
17 a jog.

18 It is not just the width, your Honor, also the
19 length. It is 18 to 20 foot long. A pickup truck and
20 20 to 25 foot long boat behind that, have to be jog in
21 the wall in order to maneuver that down there.

22 Mr. Collins described that as reasonable
23 accommodations between neighbors. I think that that
24 language is perfect, reasonable accommodations between
25 neighbors means exactly, no adversity.

BALTIMORE COUNTY CIRCUIT COURT

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1 Also means no exclusivity, because Cook built
2 the wall, he built the wall as an accommodation to
3 neighbors. This is the way people used to treat
4 neighbors.

5 Worse case scenario for us, I think by
6 building the wall that he did in the lower portion,
7 again, talking about the blue area, what Mr. Cook might
8 have been doing is granting easement for the purpose of
9 putting a boat in the water at the boat ramp for Mr.
10 Myers. I don't think he is seceding the property. So
11 no adversity. No exclusivity to Myers. No continuous
12 nature of adverse possession.

13 No way that the Defendant can, the Defendant
14 would, by the way, bears the burden of proof in her
15 quiet title action, no way get over the hump of
16 continuous adverse possession elements.

17 We have the uncontroverted testimony of the
18 Collins who said they used the area of the Myers boat
19 ramp, I call it the Myers boat ramp, between the time
20 they took title and the time Ms. Senez took title. If
21 he did or didn't, how would she know.

22 Now, turning the coin to the other side, all
23 the elements of adverse possession do coalesce in the
24 that area highlighted in purple. The reason for that
25 is Cook built the wall. Cook built the wall according

BALTIMORE COUNTY CIRCUIT COURT

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1 to Myers testimony, and maybe somebody before Cook
2 built the wall because the wall certainly was rebuilt
3 sometime between 1980 and 2000.

4 Well, 2000 when Cook moved out the net effect
5 of that wall, I'm talking about the purple area, the
6 part of the jog up to street, when the net effect of
7 that wall was to contain property, generally agreed, I
8 think, the spirit of Myers's deposition transcript is
9 that that line was the demarcation, if you will, of the

10 property.

11 I have case law on that that says when, you
12 know, a wall or fence that serves as a demarcation
13 line, that is pretty good evidence that somebody has
14 sequestered an area and that there is some adverse
15 possession going on there.

16 Your Honor, there are, with the Courts
17 indulgence, a couple of things I would want to point
18 out.

19 THE COURT: I don't know when the wall was
20 built, correct?

21 MR. THOMPSON: What's that?

22 THE COURT: I don't know when the wall is
23 built.

24 MR. THOMPSON: No, we don't know exactly when
25 the wall was built.

BALTIMORE COUNTY CIRCUIT COURT

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1 THE COURT: I don't know if it was built 20
2 years ago.

3 MR. THOMPSON: Well, Mr. Myers, I believe in
4 his testimony says that Cook rebuilt the wall at some
5 point between 1981 when Myers took possession of 341
6 and 2001 when Myers left. So, we have to assume that
7 the wall was where the wall is or actually, you know,
8 where it was because part of it has fallen down. So, I
9 think the wall is pretty good indicia.

10 THE COURT: The purple part of the wall,
11 that's the part that fell down.

12 MR. THOMPSON: Your Honor, the part that fell
13 down. Your Honor, I believe it is all to the east of
14 the area, most of that wall, where the shed is and sump
15 pump discharged and continuing up to street is still
16 standing. My clients are nodding their heads. So to
17 the east or water side of the property from about the
18 shed on down where the wall has fallen.

19 THE COURT: The other part of the wall, I
20 don't know that it has been there for 20 years, that's
21 the problem with the adverse possession claim on behalf
22 of the Collins. I don't have any evidence how long the
23 wall has been there.

24 MR. THOMPSON: I understand that, Judge, and
25 urge you to read the Myers transcript as to the whole

BALTIMORE COUNTY CIRCUIT COURT

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1 wall. What Mr. Myers is talking about when he adverts
2 to Mr. Cook building the wall or rebuilding the wall,
3 certainly, your Honor, you know, if you don't choose to
4 look at it that way I can understand that as well.

5 THE COURT: I mean, he seems to -- seems very
6 vague about the wall, when it was built.

7 MR. THOMPSON: Yeah, he is vague on a number
8 of things. In fact, I think that's why you have to get
9 50 pages deep in the transcript and discover Mr. Myers
10 is actually talking about the wall on the other side of
11 the property for -- for an hour. So, um, so, now there
12 is -- there is some vaguery definitely in that
13 transcript.

14 THE COURT: The 337 property, part of the wall
15 he was talking about.

16 MR. THOMPSON: Would it be 343.

17 THE COURT: No, 343 is on the other side of
18 Ms. Senez.

19 MR. THOMPSON: So the cinder block wall on the
20 337 side, we, yeah, that's right, did talk about that
21 forever.

22 THE COURT: All right. So, I don't have, in
23 looking at his testimony, what I don't have is any
24 indication, I mean, I have a question mark, maybe the
25 late '80's.

BALTIMORE COUNTY CIRCUIT COURT

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1 MR. THOMPSON: Well, your Honor.

2 THE COURT: Seems like that's as far as that
3 ever got pinned down.

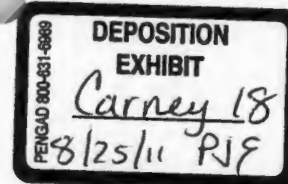
4 MR. THOMPSON: At transcript number 67, I
5 believe Mr. Myers talks about the wall, says it existed
6 in 1980. He believed it was built by the preceding
7 owner. At 50 to 51 he talks about the wall, Cook had
8 the wall built to the bulkhead, existed. 1980 fell
9 down, was put back up by Cook with weep holes in it. I
10 believe the fair reading, we are talking about the same
11 wall there in both those instances.

12 Um at, transcript 31, 37 and 86, if I may move
13 on, please stop me if I'm moving too quickly. Mr. Cook
14 I'm sorry, Mr. Myers talks about the boundary line he
15 believed being one foot back from the wall.

16 At transcript 32 and 33 Mr. Myers says he
17 showed Ms. Senez the property line, one foot in from
18 the wall, meaning in toward her residence, but the
19 survey contrasts that with Ms. Senez's testimony today
20 when she said she didn't know where the property line
21 was.

22 Transcript 37 through 39 that ramp, now back
23 in the blue area, had been used by him for 20 years,
24 but he never says that he was the only one that used
25 it. And as to his adversity on that element,

BALTIMORE COUNTY CIRCUIT COURT



1 WHAT DID YOU SHOW TO YOUR PROSPECTIVE BUYERS?

2 A THE SURVEY.

3 Q AND SPECIFICALLY, YOU POINTED OUT TO THE
4 PROSPECTIVE BUYERS THAT THE WALL WAS ABOUT A
5 FOOT INSIDE THE PROPERTY LINE OF 339?

6 A DID I EVER POINT THAT OUT TO YOU?

7 MS. SENEZ: (NO RESPONSE).

8 MR. LANZI: OBJECTION.

9 Q LET ME REPHRASE THE QUESTION. WHAT DID YOU
10 POINT OUT TO YOUR PROSPECTIVE BUYERS
11 SPECIFICALLY?

12 A THAT HERE'S THE PLOT AND THIS IS THE PROPERTY.
13 I WAS NOT INTERESTED IN THAT PRIMARILY, I WAS
14 INTERESTED IN THE FACT THAT THE FENCE WAS
15 LEGAL. THAT WAS MY INTEREST.

16 MR. LANZI: I'M GOING TO HAVE TO OBJECT
17 FOR THE RECORD, THE DEFENDANT IS
18 CONTINUOUSLY DURING THIS DEPOSITION
19 NODDING HER HEAD AND SHAKING HER HEAD.
20 THE WITNESS MAY OR MAY NOT SEE IT, BUT
21 FOR THE RECORD I'M GOING TO OBJECT AND
22 THAT HAS TO STOP.

23 MR. CARNEY: I WILL INSTRUCT HER NOT TO
24 DO IT, BUT I WILL SAY FOR THE RECORD I
25 HAVEN'T SEEN HER DO IT AND I'M LOOKING

Q. So you were --

A. I was there almost every day. And then, on the weekends Steve and I would go down and spend two nights there. We got a blow-up mattress.

Q. At the old house?

A. Uh-huh. Also had a pre-demolition party there with all our friends.

Q. So, there was a lot of people in and out.

MR. THOMPSON: Um, your Honor, I have approximately 25 photographs.

THE COURT: All right.

MR. THOMPSON: They are pre-marked, in that they say Plaintiff's Exhibit, I haven't numbered them. I -- until we got here what order they would be admitted in. Mr. Carney has a packet, I have a packet for the Court. How would you want me to proceed should I just offer them?

THE COURT: Yes, just offer them, give them to the clerk.

MR. CARNEY: Your Honor, we have no objection to the use of any of the paragraphs that have been introduced.

THE COURT: All right. We will mark them. You say 1 through 25?

MR. THOMPSON: 24 or 25, yes, ma'am.

BALTIMORE COUNTY CIRCUIT COURT

THE COURT: All right. All right. Why don't you -- Ms. Collins, you may step down from the witness stand. We have everybody for the criminal matter. I want you to go ahead and, you know, mark each of these 1 through 24, show them to the other side.

MR. CARNEY: I have seen them, your Honor, I have no objection to their use.

THE COURT: All right. I just want you to know which ones have been marked 1, which one is 3 which one is 8.

MR. THOMPSON: Somebody should --

THE COURT: All right. Let's call the criminal case and take care of that.

(WHEREUPON, a recess was held.)

(WHEREUPON, the proceedings resumed at 11:15 a.m.)

MR. THOMPSON: Your Honor, Mr. Carney is at the other end of the hallway for a moment.

MR. JENKINS: We are trying to get him.

MR. THOMPSON: I may be able to take care one housekeeping matter.

THE COURT: You can't be on the record without Mr. Carney.

MR. THOMPSON: Your Honor, may I approach the witness?

BALTIMORE COUNTY CIRCUIT COURT

THE COURT: Yes.

BY MR. THOMPSON:

Q. Ms. Collins, I'm going to show you what's been marked, I believe admitted by stipulation --

THE COURT: Yes, 1 through 26 have been admitted.

(Plaintiff's Exhibit Nos. 1 through 26 previously marked for identification, was received in evidence.)

BY MR. THOMPSON:

Q. Yes, Plaintiff's Exhibit 1 and, um, first of all, can you describe for the Court what that picture is?

A. This is a no trespassing sign, one of many that were placed there. You can't see it, there is one on that post, too, and there is one back further that says posted, keep out, no trespassing (indicating).

There is a face being directly towards our deck which is probably -- well, it is right in line with the disputed property, and we had no idea what -- we didn't even know what quiet title meant.

MR. CARNEY: Objection.

THE COURT: All right. Just talk about photo first.

BY MR. THOMPSON:

BALTIMORE COUNTY CIRCUIT COURT

Q. Is this a fence depicted in that photograph as well?

A. Yes, it is.

Q. When you moved, when you bought the property at 339 was that fence there?

A. No, sir, it was not.

Q. When did that fence come to be there?

A. Came to be there before Ms. Senez moved in.

Q. And who built the fence, if you know?

A. Ms. Senez had it erected through contractors.

Q. Did she have any discussions with you?

A. Yes, she did. When we were down there planting she called me towards the fence or towards the wall and said, can my fence follow the wall instead of the property line? And I said, hum, I can't answer that because my husband and I own the property jointly, we'll have to talk about it.

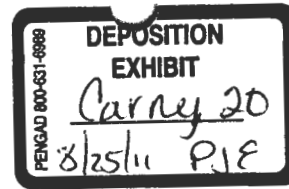
She gave me her card. I was planting, I didn't have -- we had the old house and somewhere another her card got lost and, um, Steve said, don't worry about it. She knows where we are. We are there a lot, and every weekend. And we were selling a house and trying to build a house so we were back and forth, and we came down and there was the fence and I was quite upset.

BALTIMORE COUNTY CIRCUIT COURT

DEPOSITION
EXHIBIT

Carney 19
8/25/11 PSE

PENGAD 000-001-0000



Linda Senez

From: Linda Senez
Sent: Friday, July 07, 2006 2:31 PM
To: 'Brad G. Carney'; 'mail.wbbergenlaw.com'
Subject: RE: Collins - Urgent!
Importance: High

I met with the Structural Engineer today, Jerry Shuman. He will be writing up a report. Basically he agreed with Earl Eckhart, a supervisor building inspector for Baltimore County. Eckhart said he was surprised the wall lasted as long as it did. There's, no, footer, rebar, tie back's and no stone drainage on my side of the wall. Of course this was all compounded by Collins clogging the 10 drain holes with concrete, creating a dam. Shuman stated that the ground was more sloped towards the front of my property than towards Collins. Some of the old railroad ties that were used on the two previous walls, built by George Cook previous owner of Collins property, are now exposed, along with other miscellaneous debris.

Eckhart documented the County file that the drain holes were clogged with concrete. Baltimore County has closed their file on my property.

As I've stated below in my June 29th e-mail Collins has made sure that all his runoff drains on my property in the back. As the water drains towards the front however there isn't anywhere for the water to go. That's probably why my sump pump ran more than normal in the rain. I kept pumping the same water!

We had 12 inches of rain in 3 days! I also did not direct my sump pump hose towards the Collins property!

Two of the evergreens as you come into my driveway have died from excessive water. That's the area that drains from Collins and runs down my driveway. June 28th the water ran down my driveway all day. My surveillance camera will document this.

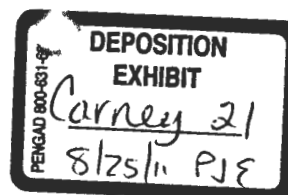
Frankly, I'm a little tired of having to defend every accusation Collins makes. They throw crap at the wall to see what will stick. They have told nothing but lies since day one, and I've disproved all their accusations. They've stalked me through my yard and they've continuously harassed me and my Dad. They've cost me time and lots of money, for nothing.

And to think, all this started because they want me, to take down, my boathouse. This has gone on for over two years. When does it end? Why can't I recover my legal expenses for all this aggravation and harassment?

They need to mind their own business, and repair their bulkhead and stop polluting the river with their ground erosion. They need to re-grade their property so it doesn't continue to damage their bulkhead. They need to re-grade their property the way it was so it doesn't run onto my property. They need to re-grade along the wall and unplug the holes in my wall. They need to move their shed since you can't have a shed in the front yard. Most importantly, they need to fix the wall, now, so it doesn't cause more damage to my property.

You were at my house on 1/13/06. We agreed then, that Mr. Myers deposition was of key importance. I tracked you down in your office, on 4/26/06 and we agreed no more negotiation. I have no problem going to court with Collins. I can document everything I've said. Now, I would like to know from you, where we are with this!

From: Linda Senez
Sent: Thursday, June 29, 2006 12:23 PM
To: 'Brad G. Carney'; mail.wbbergenlaw.com
Subject: Collins - Urgent!



Linda Senez

From: Brad G. Carney [bcarney@mmmr.com]
Sent: Tuesday, May 23, 2006 6:06 PM
To: Linda Senez; mail.wbbergenlaw.com
Subject: RE: Waif

Linda,

don't feel neglected. I've been waiting for Rob Thompson's counter-proposal, however, as my clothes are beginning to go out of style while waiting for the Collins' response, we need to move forward. To that end, I propose, with Rusty's permission, to do the following:

- 1) I've placed a call to Thompson today and am now waiting for his response.
- 2) I intend to write a letter tomorrow to the Assignment Office requesting the earliest possible trial date (which in light of the new scheduling procedures I won't be given). What I will be given is a scheduling conference date, and , if we are unable to settle the case on or before that date, we will then be given a trial date. Baltimore County has recently adopted AA county's DCM model.
- 3) **I will note the video tape deposition of your previous owned *de bene esse*.**

All of this ought to give the boys at the Mercantile Building something to chew on
Brad Carney.

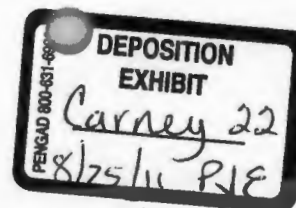
[Brad G. Carney]

Original Message

From: Linda Senez [mailto:LSENEZ@dii-insurance.com]
Sent: Tuesday, May 23, 2006 4:51 PM
To: Brad G. Carney; mail.wbbergenlaw.com
Subject: Waif
Importance: High

Okay, I'm starting to feel neglected here!

Please note that coverage cannot be considered bound or altered until confirmed in writing by a licensed representative of Diversified Insurance Industries, Inc.



Linda Senez

From: Linda Senez
Sent: Wednesday, August 30, 2006 11:31 AM
To: 'Rusty Bergen'
Subject: FW: Collins v. Senez

Rusty,
 Thanks.
 Linda

From: Rusty Bergen [mailto:wbbergen@wbbergenlaw.com]
Sent: Wednesday, August 30, 2006 10:58 AM
To: 'Brad G. Carney'
Subject: RE: Collins v. Senez

Brad:

I think that it is important that you go since you are lead in this. I don't want to have Linda incur the additional expense for both of us. We really need to get this moving.

Nope, the dove are save from me.

RB

From: Brad G. Carney [mailto:bcarney@mmmr.com]
Sent: Wednesday, August 30, 2006 10:45 AM
To: Rusty Bergen
Subject: RE: Collins v. Senez

Nothing set just yet. Do you intend to go?
 Are you going Dove hunting on opening day this Friday?

-----Original Message-----

From: Rusty Bergen [mailto:wbbergen@wbbergenlaw.com]
Sent: Tuesday, August 29, 2006 10:43 PM
To: Brad G. Carney
Subject: Collins v. Senez

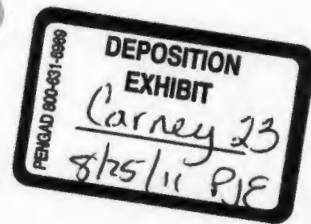
Brad:

Where are we with respect to the Myers deposition?

Rusty

Law Office of William Bergen, LLC
 607 Dreams Landing Way
 Annapolis, Maryland 21401

Phone 410-224-0535
 Fax 410-571-1667



1 Q THE SURVEY THAT YOU REFERRED TO AS HAVING
2 COMMISSIONED PRIOR TO SELLING THE PROPERTY TO
3 MS. SENEZ.

4 A UH-HUH (AFFIRMATIVE RESPONSE).

5 Q DO YOU RECALL THE NAME OF THE SURVEYOR?

6 A NO.

7 Q DID THE SURVEY OR SURVEYOR POINT OUT TO YOU ANY
8 PROBLEMS WITH THE PROPERTY IN TERMS OF ITS
9 BOUNDARY LINES OR ANYTHING HAVING TO DO WITH
10 THE LOCATION OF IMPROVEMENTS?

11 A YEAH, HE TOLD ME THAT THE LINE SHOWED THAT
12 THERE WAS ABOUT A FOOT DIFFERENCE BETWEEN THE
13 WALL AND WHERE HE PUT A MARKER. I ASSUME HE
14 PUT A MARKER THERE.

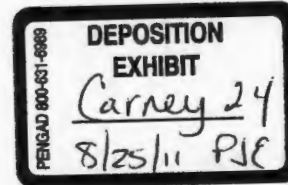
15 Q ABOUT A FOOT DIFFERENCE BETWEEN THE WALL AND A
16 MARKER. YOU THINK HE PUT THE MARKER THERE.
17 ARE YOU SAYING THAT THE WALL WAS A FOOT ONTO
18 YOUR PROPERTY?

19 A NO.

20 Q OR IT WAS A FOOT BACK FROM THE PROPERTY LINE
21 ONTO 339?

22 A YEAH.

23 Q HAD YOU BEEN MAINTAINING THE LAND THAT YOU
24 OCCUPIED UP TO THE WALL UNTIL THE TIME THAT THE
25 SURVEYOR NOTIFIED YOU OF THIS DISCREPANCY?



1 Q THE SURVEY THAT YOU REFERRED TO AS HAVING
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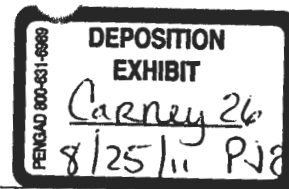
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21 ONTO 339?

22 A YEAH.

23 Q HAD YOU BEEN MAINTAINING THE LAND THAT YOU
24 OCCUPIED UP TO THE WALL UNTIL THE TIME THAT THE
25 SURVEYOR NOTIFIED YOU OF THIS DISCREPANCY?



Linda Senez

From: Linda Senez
Sent: Monday, December 04, 2006 4:19 PM
To: 'Brad G. Carney'; 'Rusty Bergen'
Subject: FW: Court 12/8/06
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

Brad & Rusty,

I'll be dropping off the following tomorrow:

Updated power point; Aerial maps from GIS; Enlarged pictures; Engineers letter (s), etc.

Need to resolve in court:

What Collins is going to do about the wall that fell.

I should not have to give up the back either way, they didn't file for adverse possession. (Fence will be a whole

lot easier if I get to keep the back.)

Collins shed has to be moved whether or not I win. 14 days! I'll no longer accept that it remains in same position if they get the back, since the property line won't be straight.

Collins would have to move his boat. 14 days. He put it up for the winter, right on property line.

Collins would have to move his propane tank. (if it's closer than 10' which I think it is.)

Issues I believe Collins are going to say based on zoning hearing:

~~Senez raised upper level. Senez raised lower level.~~ Collins claims would be impossible for me to do.

~~Steve Collins implied that I re-graded with the dirt from the slopped area.~~ My contract with Padgett included

hauling dirt away. I'll bring the contract.

The whole front upper level of my property slopped to the wall.

~~Drainage from Senez property caused property line retaining wall to fall.~~

~~Drainage from Senez property damaged their bulkhead.~~

They continuously refer to my swing as a Gazebo. Said it took the better part of a day to put up.

Collins expert witness, Clyde Hinkle, introduced a Middleborough site survey plan from

6/16/1916!

Lanzi keeps saying I did the work under cover of night or darkness.

Lanzi trying to bring the front porch area into the zoning issue. Ecker clarified.

Ann Collins only gave a little speech.

Ann Collins said there was never a peace order. After the hearing Lanzi said the same.

Ann Collins again iterated that I had all these County violations.

Ann Collins said the reason she objects is the step up to the deck.

Ann Collins implied the small stone area I put on the side of my house was a patio.

Continuously say I didn't get a permit. This was at a time when permit were hand

Collins will say based on Mr. Myers deposition.

Discredit Mr. Myers because he didn't remember a few things and /or some names, ie. Tony Lhotsky, Linda Rauerback (he wouldn't that's her married name.) Mr. Myers plays golf one day a week and works for Stapla Ultrasonic Equipment. Handles appointments for 10 Southern States. I'd say he's



89207

Location Drawing

Scale: 1" = 60'

The plat is of benefit is to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does the plat purport to reflect setbacks or other distances with any specific level of accuracy. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

341 Worton Road
Baltimore County, Maryland

William T. Matthews 11/1/00

Ruxton Design Corporation

8422 Bellona Lane
Suite 300

Towson, Maryland 21204

410-823-5000

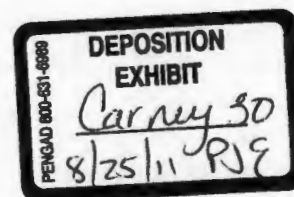
410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
March 3, 2006

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 20861 BGC
Our file# 30618 0001

RE: Collins, et vir v. Senez

Escrow/Retainer balance carried forward \$1,675.00

PROFESSIONAL SERVICES

02/02/2006	BGC	0.20	Call and e-mail Rusty Bergen re: dates for meeting.
02/09/2006	BGC	0.20	Call from R. Bergen re: today's meeting with opposing counsel and Linda's 27 page letter.
02/09/2006	BGC	2.50	Prepare for meeting with opposing counsel and attend meeting.
Total Fees			\$797.50

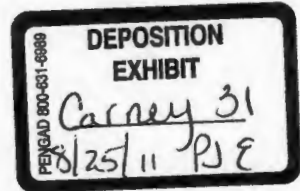
Summary

<u>Total professional services</u>	\$797.50
<u>Total expenses incurred</u>	\$0.00
<u>Total of new charges for this invoice</u>	\$797.50
Less trust amount applied to this invoice *	\$797.50 CR
Total balance now due	\$0.00

* Escrow/Retainer remaining balance is \$877.50

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
May 3, 2006

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 21661 BGC
Our file# 30618 0001

RE: Collins, et vir v. Senez

Escrow/Retainer balance carried forward \$547.50

PROFESSIONAL SERVICES

04/26/2006	BGC	0.50	Conference with Linda re: update on neighbor's activities, i.e. taking pictures, etc.; taking deposition of former owner in North Carolina and settlement agent.
04/26/2006	BGC	1.20	Draft Stipulation of Voluntary Dismissal with Prejudice; letter to Linda and Confidential Settlement Agreement and Release.
04/28/2006	BGC	0.60	Revise, edit Settlement Agreement and Stipulation of Voluntary Dismissal with Prejudice; review and sign letter to Linda; call W.B. Bergen to discuss.

Total Fees \$632.50

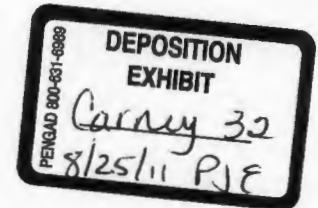
Summary

<u>Total professional services</u>	\$632.50
<u>Total expenses incurred</u>	\$0.00
<u>Total of new charges for this invoice</u>	\$632.50
Less trust amount applied to this invoice *	\$547.50 CR
Total balance now due	\$85.00

* Escrow/Retainer remaining balance is \$0.00

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
August 4, 2006

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 22663 BGC
Our file# 30618 900!

RE: Collins, et al v. Senez

Balance forward as of invoice dated	July 7, 2006	\$1,458.60
Payments received since last invoice		<u>\$1,055.60</u>
Accounts receivable balance carried forward		\$403.00

PROFESSIONAL SERVICES

07/05/2006	BGC	0.20	Call from Rob Thompson re: mutual postponement and deposition testimony.
07/11/2006	BGC	0.40	Call from Linda re: Power Point presentation; postponement of trial date and deposition of prior owner.
07/13/2006	BGC	1.00	Draft 1) letter to clerk; 2) letter to Central Assignment; 3) Joint Motion for Continuance; read and answer e-mails from Rob Thompson and W.B. Bergen; call to Central Assignment; draft Entry of Appearance.
07/14/2006	JGQ	0.20	Met with client and uploaded power point presentation from her for review and printing.
07/19/2006	BGC	0.20	Read e-mail from Rob Thompson re: possible new trial dates; draft e-mail response thereto.
07/19/2006	BGC	0.40	Read Linda's e-mail of today to WBB to me; draft e-mail response thereto; react/respond to e-mail from R. Thompson.
07/20/2006	BGC	0.20	Read 2 e-mails from R. Thompson and draft responses thereto re: new trial date.
07/21/2006	BGC	0.40	Call from Linda re: wall and fence issues - advised of 12/8/06 trial date.
07/24/2006	BGC	0.20	Read Notice of Trial; draft letter to Linda.

Total Fees \$843.00

EXPENSES

07/31/2006 Photocopies Costs

Total Expenses

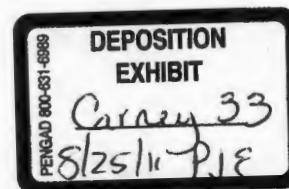
\$6.90
\$6.90

Summary

Total professional services	\$843.00
Total expenses incurred	\$6.90
Total of new charges for this invoice	<u>\$849.90</u>
Plus net balance forward	\$403.00
Total balance now due	\$1,252.90

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
November 3, 2006

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 23683 BGC
Our file# 30618 0001

RE: Collins, et vir v. Senez

Balance forward as of invoice dated	October 3, 2006	\$1,832.65
Payments received since last invoice		<u>\$1,000.00</u>
Accounts receivable balance carried forward		\$832.65

PROFESSIONAL SERVICES

10/09/2006	BGC	0.70	Call from Neil Lanzi re: deposition in South Carolina; call A. Meyers second time
10/09/2006	BGC	0.20	2nd call to Neil to confirm date/time of deposition; call Kendi Irwin re: court reporter
10/20/2006	BGC	0.30	Finalize deposition arrangements; call N. Lanzi
10/20/2006	BGC	0.20	Call Arthur Meyers to advise of date and time of deposition; gave deponent directions
10/25/2006	BGC	8.00	Take deposition of Arthur Meyers in Myrtle Beach, S. Carolina; round trip travel to Myrtle Beach from Ellis to Island, S. Carolina
10/30/2006	BGC	0.10	Call from Gontrum's secretary to schedule conference call for this Wednesday

Total Fees \$2,612.50

EXPENSES

11/03/2006	Vendor Bradford Carney; Invoice # 30618-1Car; Travel Charges - Rental car used 10/25/06.	\$49.12
11/03/2006	Vendor Bradford Carney; Invoice # 30618-1Gas; Travel Charges - Gas used for round trip from Ellis Island to Myrtle Beach on 10/25/06.	\$20.01
Total Expenses		<u>\$69.13</u>

Summary

Total professional services	\$2,612.50
Total expenses incurred	<u>\$69.13</u>
Total of new charges for this invoice	\$2,681.63
Plus net balance forward	\$832.65
Total balance now due	\$3,514.28

STATE OF SOUTH CAROLINA

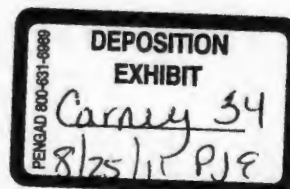
IN THE CIRCUIT COURT

COUNTY OF BALTIMORE.

03-C-04-0102270C

STEVEN COLLIN & ANN COLLIN,
PLAINTIFFS,
V.
LINDA ANN SENEZ,
DEFENDANT.

LINDA ANN SENEZ,
COUNTER PLAINTIFF,
V.
STEVEN COLLIN & ANN COLLIN &
NATIONAL CITY MORTGAGE
COMPANY,
CO-DEFENDANTS,



ORIGINAL

DEPOSITION OF
ARTHUR L. MYERS

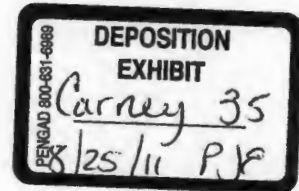
OCTOBER 25TH, 2006

FROM 1:30 P.M.

TAKEN BY PEPPER M. MCCARTHY, NOTARY PUBLIC AND
PROFESSIONAL REPORTER, AT THOMPSON AND HENRY LAW
FIR, 1314 PROFESSIONAL DIVE, MYRTLE BEACH, SOUTH
CAROLINA.

Royston, Mueller, McLean & Reid LLP

Attorneys At Law
Suite 600
The Royston Building
102 West Pennsylvania Avenue
Towson, Md 21204-4575



(410) 823-1800

Federal Tax ID No. 52-0672648
January 5, 2007

FAX (410) 828-7859

Ms. Linda Ann Senez
341 Worton Road
Baltimore, MD 21221

Invoice# 24426 BGC
Our file# 30618 0001

RE: Collins, et vir v. Senez

Balance forward as of invoice dated	December 5, 2006	\$3,844.28
Payments received since last invoice		<u>\$3,844.28</u>
Accounts receivable balance carried forward		\$0.00

PROFESSIONAL SERVICES

12/05/2006	BGC	0.50	Conference with Linda to review/discuss trial exhibits - conference with Jim Quinn re: Power Point presentation
12/05/2006	JGQ	0.40	Began preparation of exhibits for trial.
12/06/2006	BGC	1.00	Read Amended Complaint; call from Rob Thompson re: stipulations and theories of the case and C/A to be abandoned
12/06/2006	JGQ	2.50	Pre-trial file review; reviewed exhibits and potential exhibits for trial; contacted potential expert witness (Surveyor); drafted subpoena to expert witness; prepared correspondence to expert witness and faxed same with subpoena; reviewed client's power point slides in detail; and met with Mr. Carney regarding slides and meeting with client scheduled.
12/07/2006	BGC	0.80	Draft letter to Clerk, Motion to Strike and proposed Order
12/07/2006	BGC	4.50	Meet with Linda to prepare for trial
12/07/2006	BGC	1.00	Conference with Rob Thompson to review exhibits and theories of case: review Mevers' deposition
12/07/2006	BGC	1.50	Read Meyer's deposition and law of nuisance, trespass and adverse possession
12/07/2006	JGQ	7.00	Trial preparation - exhibit printing and preparation including review of power point presentation with edits to remove commentary thereon; exhibit organization; met with Mr. Carney and client and with opposing counsel; and traveled to copy center to obtain large scale copies of surveys for trial.
12/08/2006	BGC	4.60	Day 1 of trial
12/08/2006	BGC	0.40	Review file notes, etc from county inspectors
12/08/2006	JGQ	5.50	Final trial preparation and attended first day of trial to assist.
12/11/2006	BGC	7.00	Prepare for and attend day 2 of trial; conference with Linda and Graham afterwards
12/11/2006	JGQ	6.50	Preparation for day 2 of trial and attended trial.
12/12/2006	BGC	0.20	Read e-mail from Linda re: Dietz stalking her property; draft e-mail response thereto
12/12/2006	JGQ	0.30	Researched Maryland Rules regarding post-trial motions and their effect on appeal time-lines; met with Mr. Carney; and met briefly with client.
12/13/2006	BGC	0.20	Read e-mail from Linda re: Ann's stalking of niece; draft e-mail

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

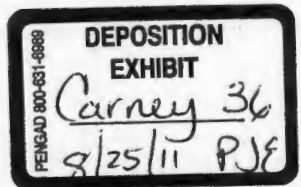
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

April 28, 2008



OF COUNSEL

EUGENE W. CUNNINGHAM, JR., P.A.
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BRADFORD G.Y. CARNEY
LISA J. McGRATH

COUNSEL EMERITUS

RICHARD A. REID

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD

LEANNE M. SCHRECENGOST
DAVID F. LUBY
JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE

Ms. Linda A. Senez
341 Worton Road
Baltimore, Maryland 21221

Re: Collins, et al v. Senez
Baltimore County Circuit Court
Case No. 03-C-04-010227 OC

Dear Linda:

As you know, you owe this law firm \$15,800.95 for the legal work performed for you by me and other members of the firm in the captioned civil proceeding. As memorialized in my engagement letter to you of January 13, 2006, you have received monthly bills from me outlining all legal services performed on your behalf from the time that you originally engaged my services until you saw fit to discharge me as your lawyer.

Notwithstanding the terms of your January 13, 2006 engagement letter, I did not insist that you replenish your retainer once it was exhausted. This forbearance on my part was bottomed on your assurance to me that your bills would be paid in full as they were rendered. For the most part, you honored that agreement up until the time of your trial before Judge Souder. Because you are upset with Judge Souder's ruling, you have chosen to pay your bill in insultingly small monthly increments of \$20.00. Your unilateral attempt to revise our fee agreement is not now nor has it ever been acceptable, and will no longer be tolerated.

Please consider this correspondence as my formal demand that your entire bill in the amount of \$15,800.95 be paid in full by Friday, May 9, 2008. In the event that your bill is not paid in full by May 9, 2008, I will immediately docket suit for the collection of this debt before the District Court of Maryland for Baltimore County. If suit becomes necessary, I will be seeking pre-judgment interest at the rate of 6%, the costs associated with instituting such a proceeding and, of course, will be entitled to post-judgment interest at the rate of 10% from the

ROYSTON, MUELLER, McLEAN & REID, LLP
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TELEPHONE 410-823-1800

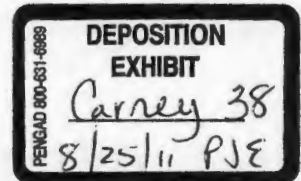
FACSIMILE 410-828-7859

www.rmmr.com

February 26, 2007

R. TAYLOR MCLAN
E. HARRISON STONE
WILLIAM F. BLUE
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LAUREL PARETTA REESE
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ROBERT S. HANDZO
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DOUGLAS S. WALKER
DAVID E. LUBY



OF COUNSEL:
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HELMIE PARKS
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LISA J. McGRATH

CARROLL W. ROYSTON
1974-1991

H. ANTHONY MUELLER
1974-2000

*ALSO ADMITTED IN DC
*ALSO ADMITTED IN PA

Ms. Linda A. Senez
341 Worton Road
Baltimore, Maryland 21221

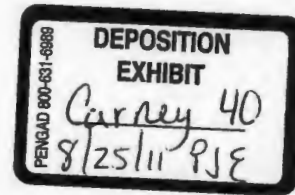
Re: Collins, et al v. Senez
Baltimore County Circuit Court
Case No. 03-C-04-010227 OC

Dear Ms. Senez:

I am enclosing Judge Souder's Motions Ruling and Second Amended Final Order ("Order") which were received by me today in this morning's mail. Please note that although the Judge has indicated that her Order is effective February 21, 2007, it was not mailed to me, as indicated by the postmark on the Court's envelope which I have enclosed, until Friday, February 23, 2007. Pursuant to the Maryland Rules of Appellate Procedure, you have thirty days within which to file an appeal of Judge Souder's Order to the Court of Special Appeals. Although it is my belief that that thirty day period would start running from today, February 26, 2007, i.e. tomorrow is day 1 of the thirty day period, to be safe, I would start counting from February 21, 2007.

Judge Souder's Order misconstrues the facts of your particular case and the black letter Maryland law applicable to those facts. The Court has essentially disregarded the cases which I have cited on "hostility", and has cited testimony and/or evidence not in the record. It is my opinion that Judge Souder's Order will not withstand appellate scrutiny and, accordingly, I would urge you to exercise your appellate remedies.

Having said that, however, I will not represent you on such an appeal for a myriad of reasons, not the least of which is that you owe this firm over \$13,000.00, plus the time to be billed to you in the month of March for work performed on your case during the month of February. Moreover, your letters of complaint regarding the handling of your case to other members of this law firm are insulting, factually inaccurate, and intolerable. Your threats and references to malpractice insurance are not taken lightly, and, standing alone, would serve as the basis for the termination of our relationship.



August 30, 2006

Robert J. Thompson, Esquire
J. Neil Lanzi, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Re: Collins, et vir v. Senez
Baltimore County Circuit Court
Case No. 03-C-04-010227

Dear Rob:

As you know, the Senez and Collins properties were divided by a cement wall which recently collapsed as a consequence of unknown persons intentionally clogging up the ten drain holes in the wall. Although Ms. Senez does not have any direct evidence of your clients' involvement in this type of puerile and criminal conduct, I think we all know who is responsible for the destruction of her wall.

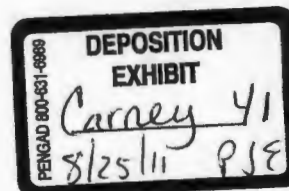
Do Mr. and Mrs. Collins plan to repair or replace the wall? If Ms. Senez has the wall reconstructed, will your clients contribute 50% of the costs? Rob, this matter has got to be resolved immediately in light of the late summer thunderstorms and/or hurricanes which we all know will be effecting our weather over the next thirty to forty-five days.

The courtesy of a prompt response would be most appreciated.

Lastly, we need to finalize the date on which we will be traveling to South Carolina to take the deposition of Mr. Arthur L. Myers. I am going to be in Hilton Head from the 26th through the 29th of October and will probably go down a few days early to visit with friends. Since I will already be in the area, it was my hope that we could take the deposition of Mr. Myers on Monday, October 23 or Tuesday, October 24. Please let me know if these dates work for you so we can make the appropriate arrangements with Mr. Myers and a local court reporter.

Linda Senez

From: Brad G. Carney [bcarney@mmmr.com]
Sent: Wednesday, July 19, 2006 4:36 PM
To: Linda Senez; Rusty Bergen
Subject: [SPAM]RE: Collins v Senez



Linda,

Rob Thompson and I are working on dates for Myers deposition. We needed a general idea of when the trial was going to take place before finalizing the date. Of the dates proposed, I'm only available on 11/17 and 11/27. I have so advised Thompson, et. al.

Your trial is estimated to take 1 full day. I have no idea how Ensor came up with a 3 day estimate. I anticipate the witnesses at trial to be you, the surveyor to whose work product both sides will stipulate, Mr.. & Mrs.. Collins and a "reader" playing the part of Mr.. Myers. If I'm overlooking anyone, please advise.

I cannot speak to the issue of what the Collins' know. However, they certainly know about their Adverse Possession Count, it's in their Complaint. I've told Rob Thompson about the propane tank and the cement in your drain holes. However, you cannot prove through expert testimony that filling the drainage holes with cement was the proximate cause of the wall's collapse. The Collins' knowledge re. the general condition of the wall is of no consequence since they didn't build it. The facts that the wall had no footers, tie-backs, rebar, etc. again, is of no consequence.

Linda, I don't recall you ever mentioning zoning issues to me about the Collins' shed. You have a zoning lawyer with whom I assume you discuss all zoning related issues. With the many zoning inspectors you have had on your property, I can't imagine why this issue wasn't raised if that is what you and your zoning lawyer feel that you are legally justified in doing. If the shed is encroaching into a side set back or, in fact, is partially on your property, this issue will be resolved at trial through the surveyor's testimony. Lastly, you cannot control what a neighbor keeps in a shed unless you have a reasonable articulable suspicion that contraband such as illegal guns, drugs, a Crystal Meth lab, etc. is/are being stored therein. If you have such a belief, grounded in articulable facts, call the appropriate authorities, e.g. ATF, MSP, FBI, Balto. Co. PD or Fire Dept.

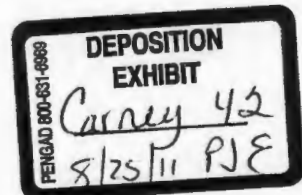
I'm not clear on what you mean when you say, "Brad of course hasn't responded ". I believe that I've been very responsive except when I'm in the throws of trying a case, in which case I have to prioritize what is done on my other open matters and by whom. I understand your level of frustration by having to live next door to the neighbors from hell, but please don't direct snide/sarcastic comments my way. I deserve better.

Brad Carney

—Original Message—

From: Linda Senez [mailto:LSENEZ@dii-insurance.com]
Sent: Wednesday, July 19, 2006 3:33 PM
To: Rusty Bergen
Cc: Brad G. Carney
Subject: RE: Collins v Senez

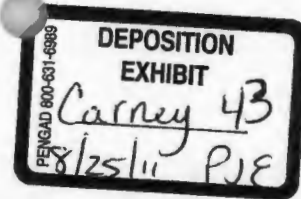
Rusty,



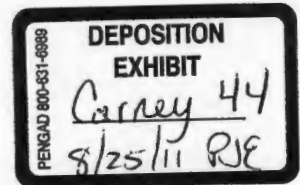
1 in a legal malpractice case or in this particular case in a
2 post-conviction relief case, it's a criminal case, that but for
3 the attorney's misconduct that the result would have been
4 different. Well, but for my conduct what, how could the result
5 be different? She would have lost instead of won? We won,
6 Judge. I can't get past that fact. We won and now I have to
7 sue her for the fees. Well, she, for two years, she sends in
8 \$25 a month trying to tweak me.

9 JUDGE BOLLINGER: I thought it was \$40.

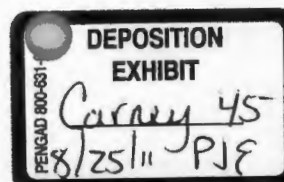
10 MR. CARNEY: Sometimes it was \$40, sometimes it was
11 \$25, sometimes it's whatever, acknowledging the debt every time
12 she makes a payment, never peeping, never saying a word about
13 malpractice. Only after we filed a lawsuit, after the Court of
14 Special Appeals' opinion comes down and we are vindicated by
15 the Court and it says we did everything right, we won, we then
16 have to file suit for our fees then and only then does she peep
17 and does she say malpractice. It's her, her version or her
18 reason why she should not have to pay. Now, in order to
19 substantiate that allegation, they hire this gentleman from
20 Crofton and he says he's been a practicing lawyer for thirty
21 years and that he has handled over eight hundred legal
22 malpractice cases so he's got a legal malpractice puppy farm,
23 puppy mill going on down in Crofton and he says that I'm a real
24 bad guy. He talks about all the things that I did wrong. He
25 says, and I'd like you to refer if you could, Judge, to the



1 cocktails on each other's decks and porches and property and
2 then it all went south after Isabel damaged Ms. Senez'
3 property. She had to do improvements and repairs which the
4 Collins' felt were unnecessary or wrong. They dropped a dime
5 on her repeatedly with the zoning people in Baltimore County.
6 She had hearings and complaints, all of which were defended by
7 another lawyer that are not before this Court. But there was a
8 war going on between the Collins' and Ms. Senez. It became her
9 life's work. She is unmarried, doesn't have any kids and she
10 has the ability to focus on this case, come to my office with
11 hundreds of pictures that she wanted me to burden Judge Souder
12 with, blow ups, power point presentations, I mean, we could
13 have taken this case to the Supreme Court and she would not
14 have been satisfied. But, again, I'm digressing because I want
15 to stay focused on this Motion. The Motion asks the Court to
16 set aside the Judgment of Default because they have a
17 meritorious defense to the claim that we have made for this
18 \$14,000 to \$15,000 unpaid legal fees, that they have a
19 substantial and sufficient basis for the actual controversy.
20 Well, they can't do it, Judge. They can't do it for a lot of
21 different reasons. The first and foremost reasons is I won.
22 How can you say that I committed malpractice for goodness sake,
23 I won. It's a nine count Complaint, I won seven of them. He
24 says so in his Complaint. Judgment for the Defendant/Counter-
25 Plaintiff. I won. Collins' filed an adverse possession claim



1 regarding certain property (inaudible), I won that too.
2 Judgment for the Defendant or Counter-Defendant. I lost two
3 counts, the adverse possession counts, because the Court of
4 Special, as the Court of Special Appeals has said repeatedly
5 its thirty-seven page, which is now the seminal opinion of the
6 State on adverse possession by Judge Hollander that the Court
7 misapplied the law. The Court did not fully understand the
8 elements of hostility and the other elements necessary to
9 perfect the cause of action known as adverse possession. The
10 Court had a very detailed, some thirty pages plus, opinion
11 which I think has been attached to the pleadings I know the
12 Court has and if you've had the opportunity to review it,
13 details in very precise language what a person has to do to
14 meet their burden in an adverse possession claim and then they
15 say, we did it. We did it. We won. They reversed the case
16 and sent it back. Judge Souder's got to take a little bit of
17 testimony on one little issue, the Court says, as to whether or
18 not a discussion between Ms. Senez and Mrs. Collins about where
19 the fence that she put up was going to be located and what
20 that, what the legal import of all that should be. There is a
21 very famous Supreme Court case which I'm sure you've heard
22 multiple times in post-conviction proceedings, Judge,
23 *Strickland v. Washington*, 466 U.S. 668, 104 Sup.Ct. 2052 and
24 (inaudible) Lawyer's Edition 2nd, 674. That case in a nutshell
25 as I'm sure this Court knows, stands for the proposition that



Linda Senez

From: Brad G. Carney [bcarney@mmmr.com]
Sent: Wednesday, July 19, 2006 4:36 PM
To: Linda Senez; Rusty Bergen
Subject: [SPAM]RE: Collins v Senez

Linda,

Rob Thompson and I are working on dates for Myers deposition. We needed a general idea of when the trial was going to take place before finalizing the date. Of the dates proposed, I'm only available on 11/17 and 11/27. I have so advised Thompson, et. al.

Your trial is estimated to take 1 full day. I have no idea how Ensor came up with a 3 day estimate. I anticipate the witnesses at trial to be you, the surveyor to whose work product both sides will stipulate, Mr.. & Mrs.. Collins and a "reader" playing the part of Mr.. Myers. If I'm overlooking anyone, please advise.

I cannot speak to the issue of what the Collins' know. However, they certainly know about their Adverse Possession Count, it's in their Complaint. I've told Rob Thompson about the propane tank and the cement in your drain holes. However, you cannot prove through expert testimony that filling the drainage holes with cement was the proximate cause of the wall's collapse. The Collins' knowledge re. the general condition of the wall is of no consequence since they didn't build it. The facts that the wall had no footers, tie-backs, rebar, etc. again, is of no consequence.

Linda, I don't recall you ever mentioning zoning issues to me about the Collins' shed. You have a zoning lawyer with whom I assume you discuss all zoning related issues. With the many zoning inspectors you have had on your property, I can't imagine why this issue wasn't raised if that is what you and your zoning lawyer feel that you are legally justified in doing. If the shed is encroaching into a side set back or, in fact, is partially on your property, this issue will be resolved at trial through the surveyor's testimony. Lastly, you cannot control what a neighbor keeps in a shed unless you have a reasonable articulable suspicion that contraband such as illegal guns, drugs, a Crystal Meth lab, etc. is/are being stored therein. If you have such a belief, grounded in articulable facts, call the appropriate authorities, e.g. ATF, MSP, FBI, Balto. Co. PD or Fire Dept.

I'm not clear on what you mean when you say, "Brad of course hasn't responded". I believe that I've been very responsive except when I'm in the throws of trying a case, in which case I have to prioritize what is done on my other open matters and by whom. I understand your level of frustration by having to live next door to the neighbors from hell, but please don't direct snide/sarcastic comments my way. I deserve better.

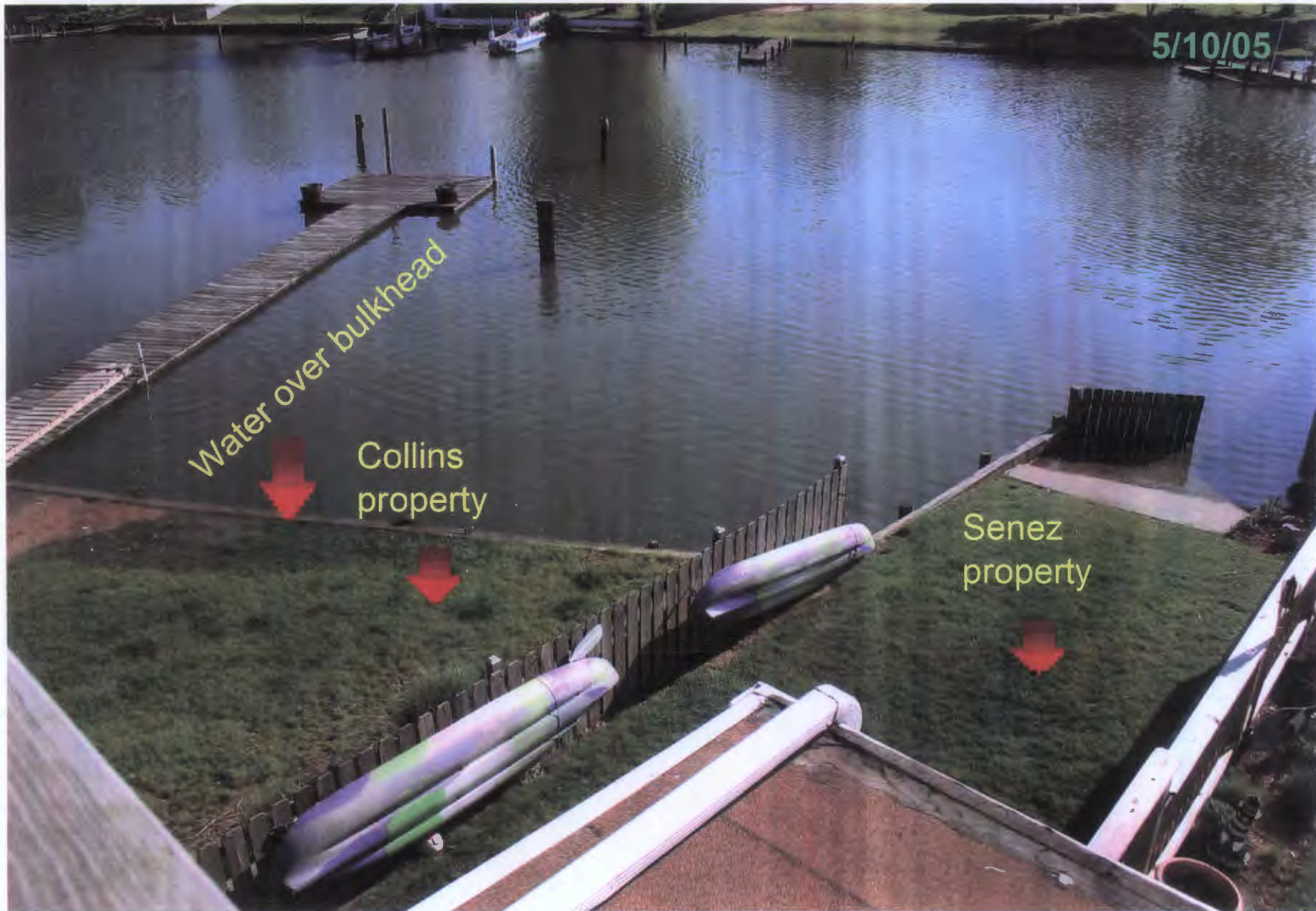
Brad Carney

—Original Message—

From: Linda Senez [mailto:LSENEZ@dii-insurance.com]
Sent: Wednesday, July 19, 2006 3:33 PM
To: Rusty Bergen
Cc: Brad G. Carney
Subject: RE: Collins v Senez

Rusty,

How is Ms. Senez damaging Collins bulkhead?



2012-0141-SPH



Senez house

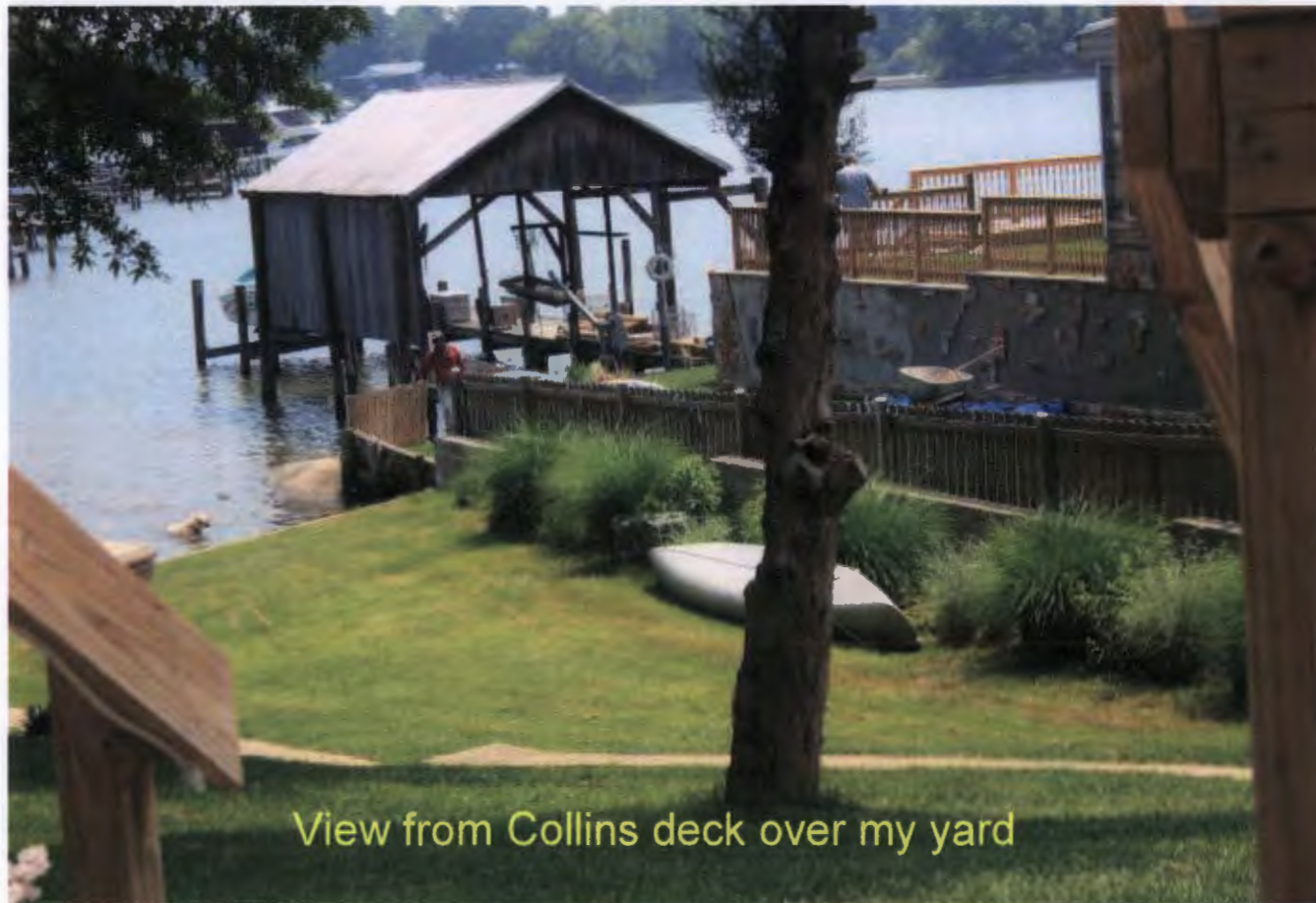
5/15/04

Collins deck

Light on side of
Senez's house 100 watt
max. fixture 87 ft. from closest
corner of Collins house. Also
Senez house sits lower.

2012-0141-SPH

Collins' sits at the steps off their deck. Ms. Senez's bump out and right side of the deck aren't visible in picture taken from Collins house looking at Ms. Senez's property.

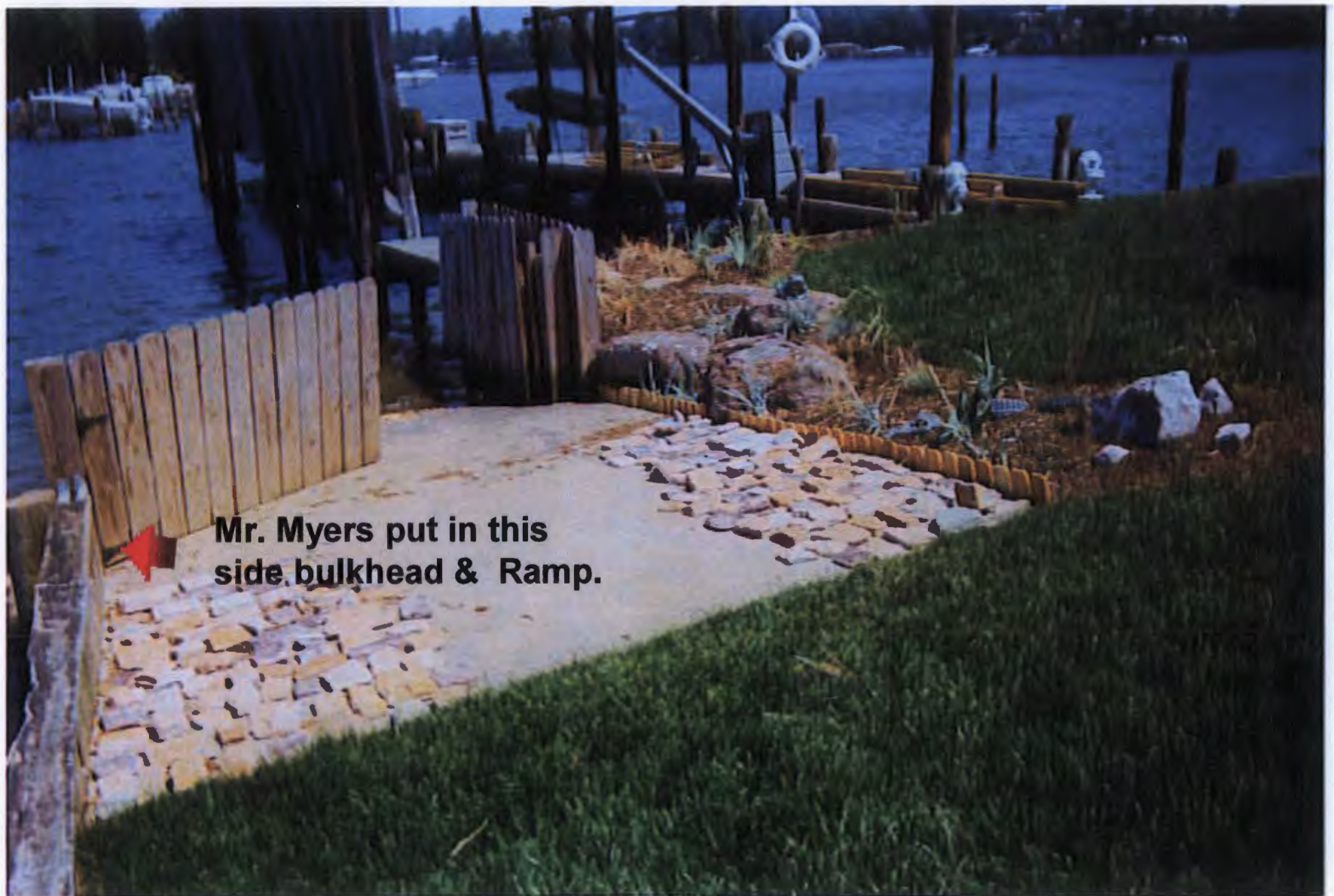


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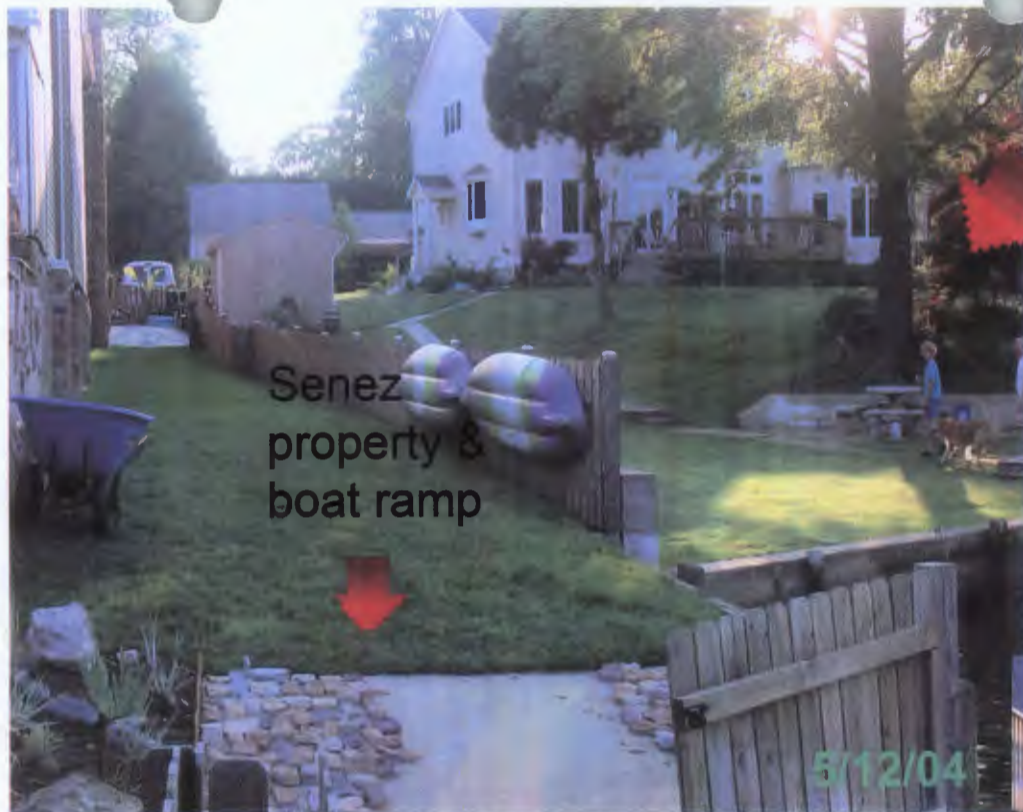
2012-0141-SPH

Senez Boat Ramp



**Mr. Myers put in this
side bulkhead & Ramp.**

2012-0141-SPH



Collins property

Boat Ramp

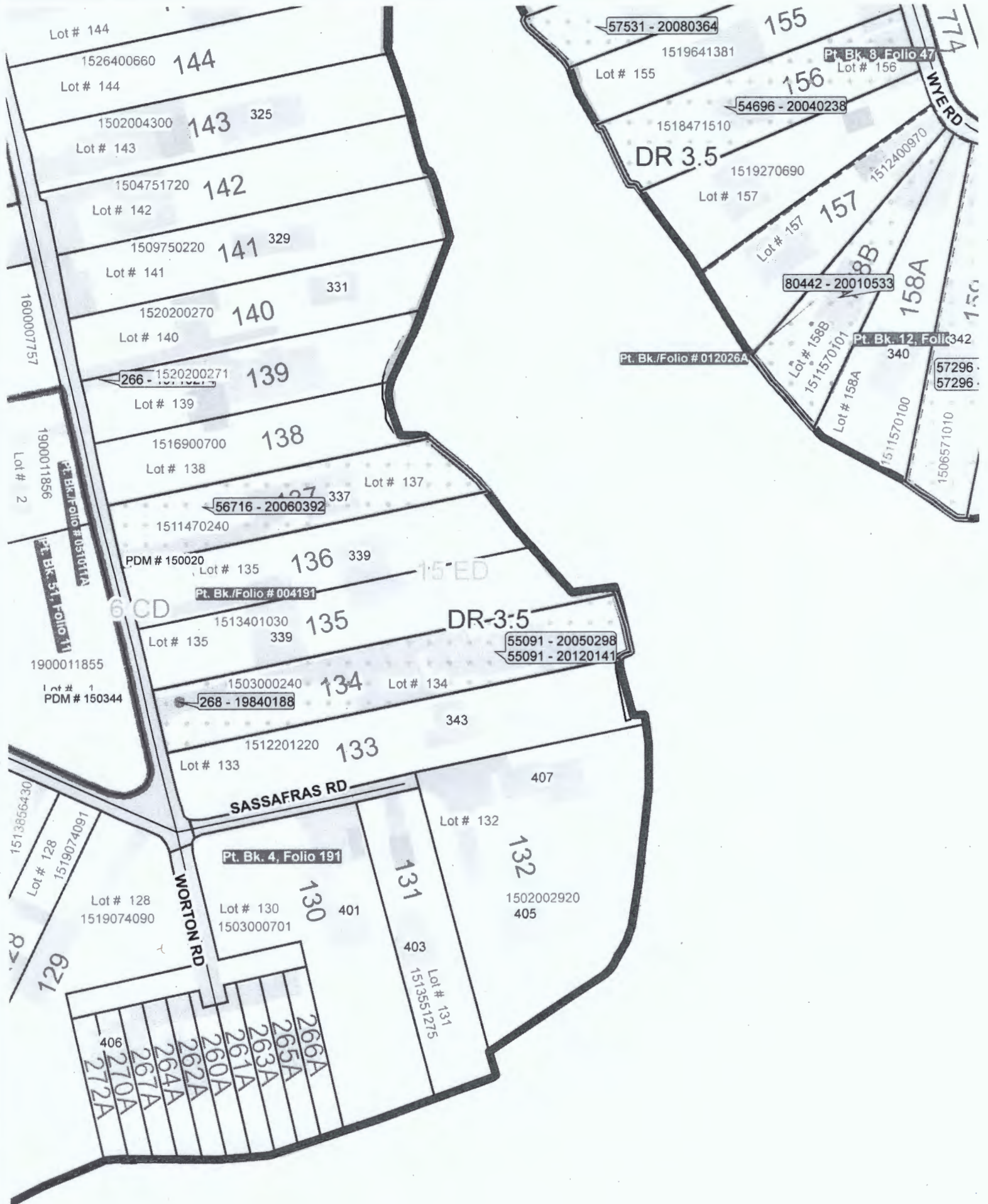
Senez
Property

Collins
Property



Collins never mentioned anything about the ramp when Ms. Senez had it repaired on 6/22/02. They never physically or monetarily offered any help. Mr. Myers paid for the boat ramp and side bulkhead. Ms. Senez contracted the fence before even settling the house. There was no co-ownership in title or deed as Collins claim. The Collins never used the ramp without permission. The wall separating the two properties makes the ramp inaccessible to the Collins.

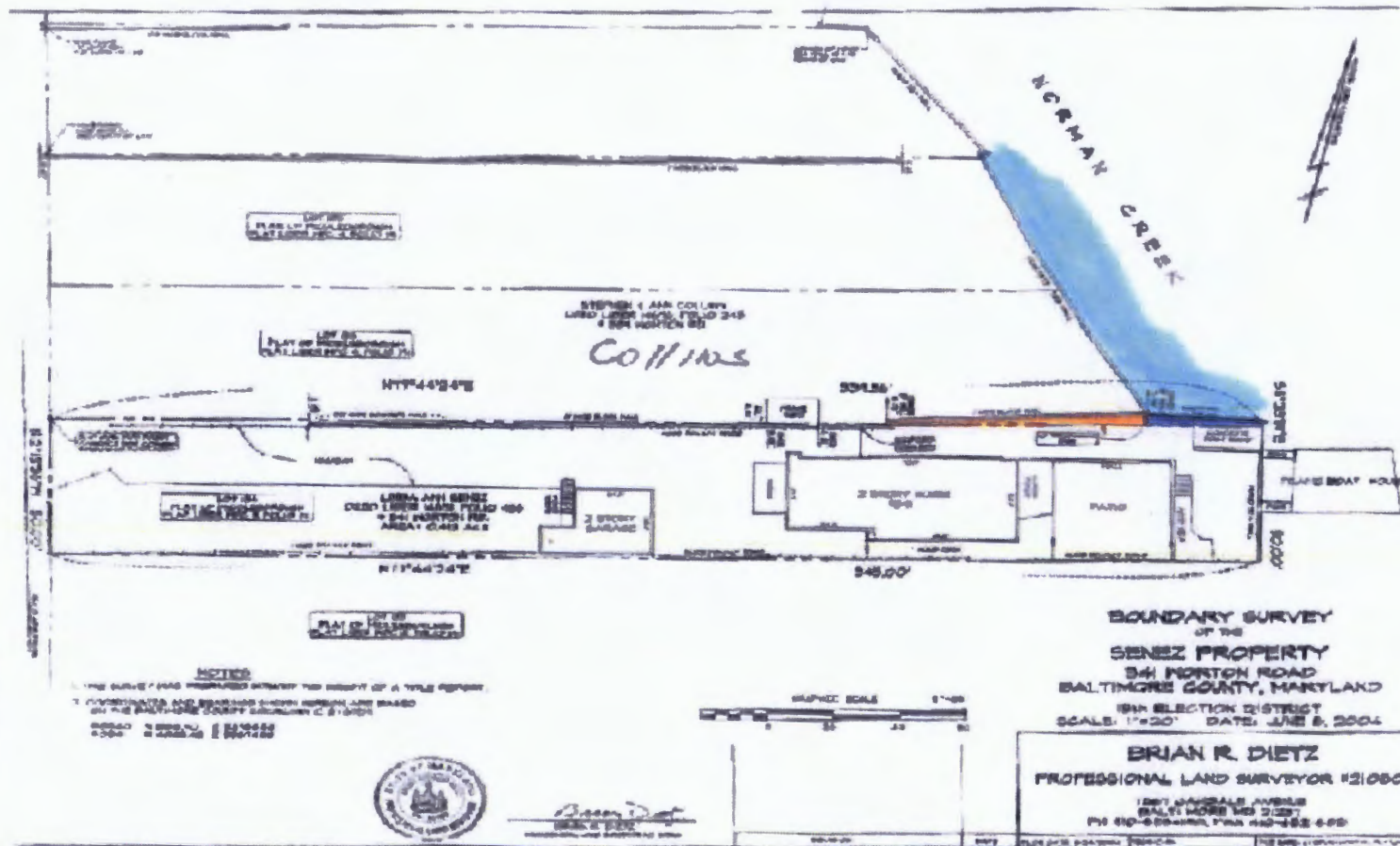
2012-0141-SPH



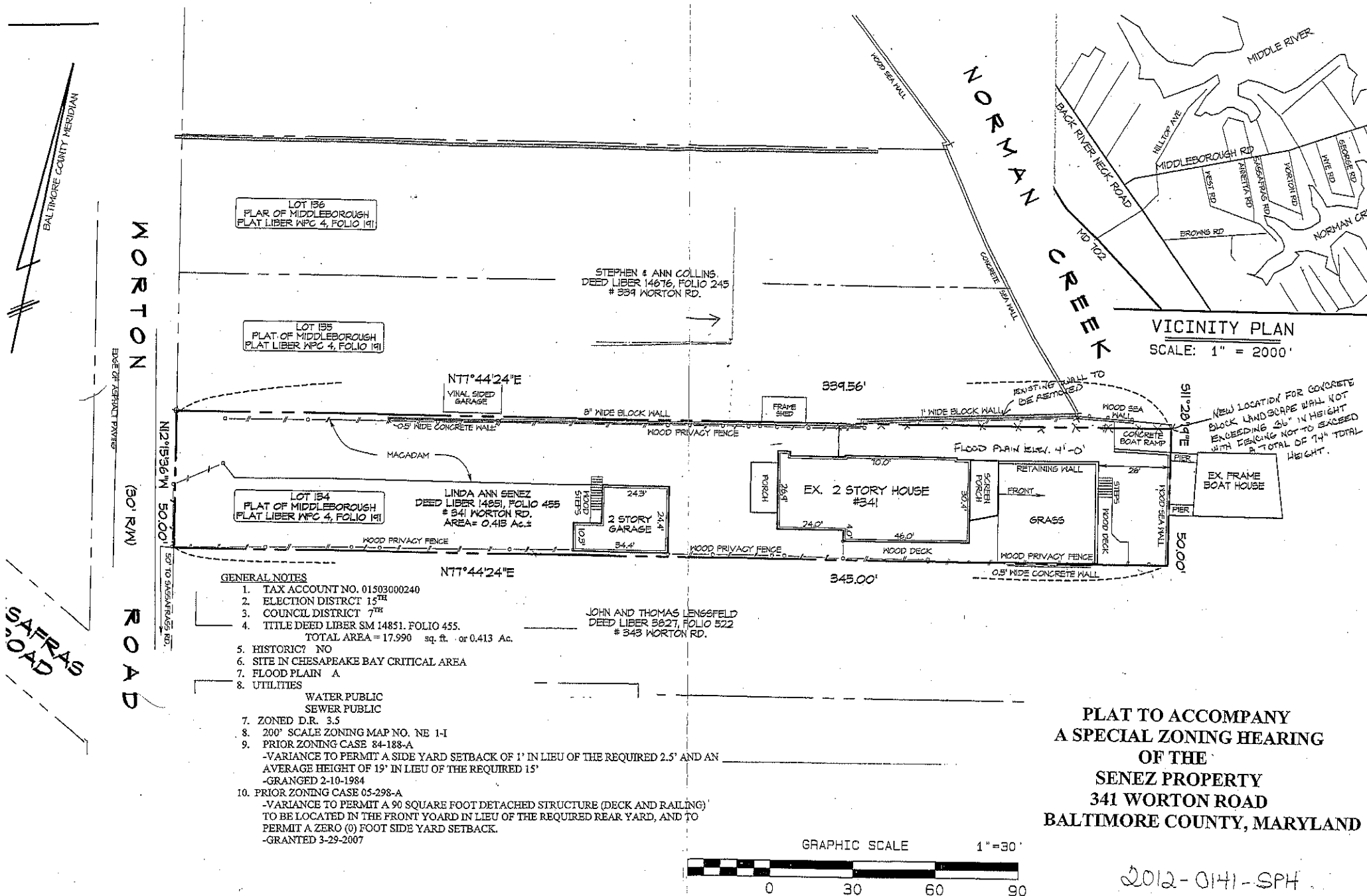


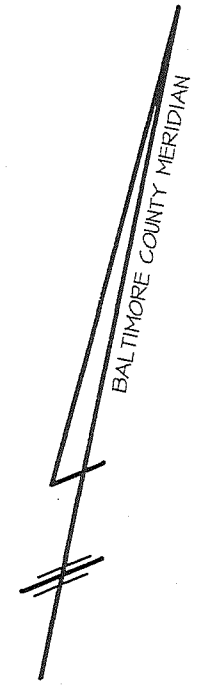
2012-0141-SPH

Property Survey – orange represents property in dispute- 291 sq. ft.
Collins on Senez property in the back- 350 sq. ft.



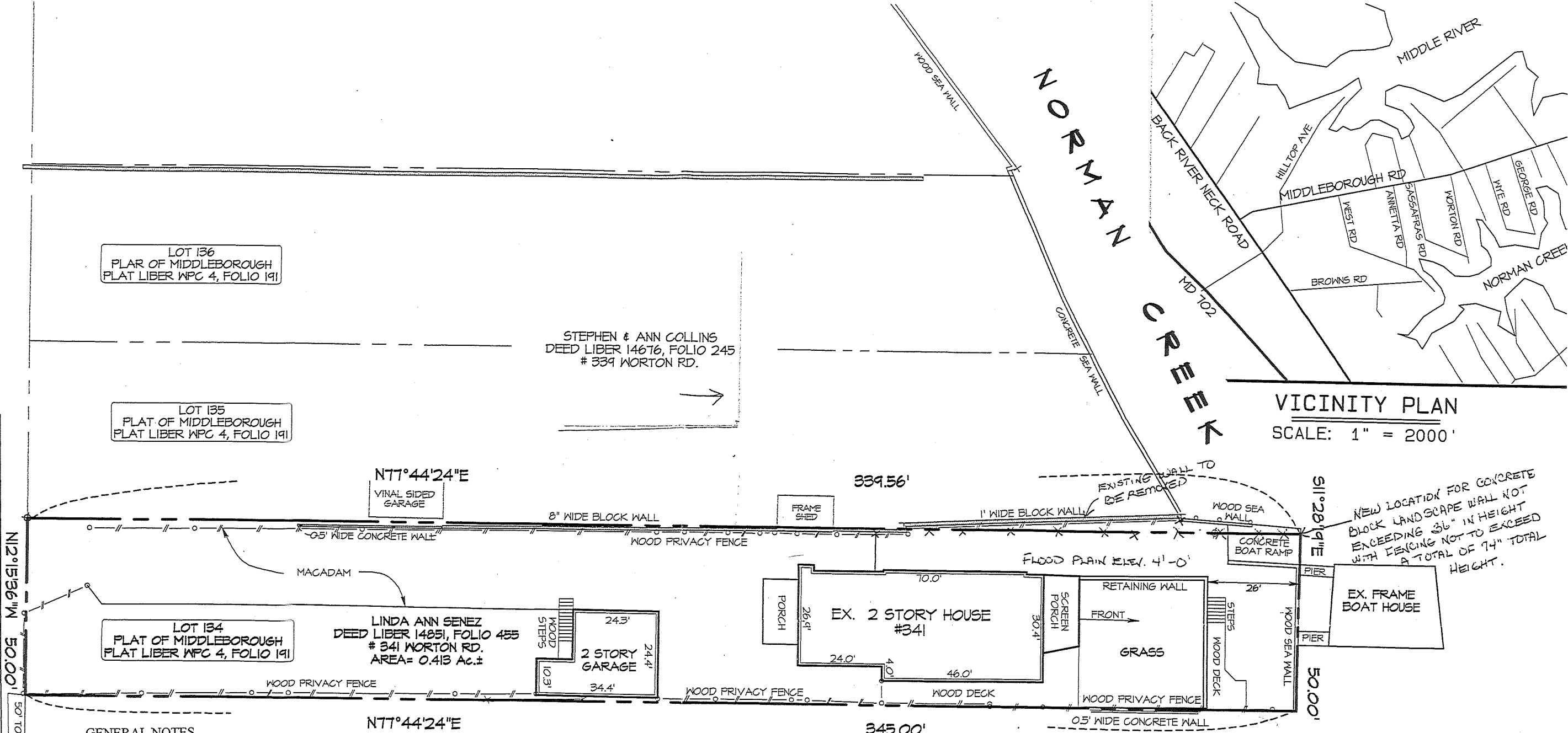
2012-0141-SPH





ASAFRAS ROAD

MORTON ROAD (30' R/W)

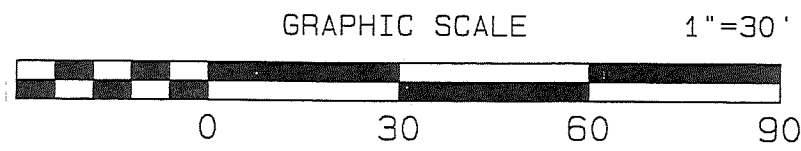


VICINITY PLAN
SCALE: 1" = 2000'

GENERAL NOTES

1. TAX ACCOUNT NO. 01503000240
2. ELECTION DISTRICT 15TH
3. COUNCIL DISTRICT 7TH
4. TITLE DEED LIBER SM 14851, FOLIO 455.
TOTAL AREA = 17,990 sq. ft. or 0.413 Ac.
5. HISTORIC? NO
6. SITE IN CHESAPEAKE BAY CRITICAL AREA
7. FLOOD PLAIN A
8. UTILITIES
WATER PUBLIC
SEWER PUBLIC
9. ZONED D.R. 3.5
200' SCALE ZONING MAP NO. NE 1-I
PRIOR ZONING CASE 84-188-A
-VARIANCE TO PERMIT A SIDE YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 2.5' AND AN AVERAGE HEIGHT OF 19' IN LIEU OF THE REQUIRED 15'
-GRANTED 2-10-1984
10. PRIOR ZONING CASE 05-298-A
-VARIANCE TO PERMIT A 90 SQUARE FOOT DETACHED STRUCTURE (DECK AND RAILING) TO BE LOCATED IN THE FRONT YOARD IN LIEU OF THE REQUIRED REAR YARD, AND TO PERMIT A ZERO (0) FOOT SIDE YARD SETBACK.
-GRANTED 3-29-2007

PLAT TO ACCOMPANY
A SPECIAL ZONING HEARING
OF THE
SENEZ PROPERTY
341 WORTON ROAD
BALTIMORE COUNTY, MARYLAND



2012-0141-SPH