-FILED; Baltimore County Circuit Court
Docket: 1/30/20__ _:27 PM; Submission: 1/30/2020 3:27 PM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF: EL PASO COLBY, INC Legal Owner 12120 Esther Lama Drive El Paso, TX 79936	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	
IN THE MATTER OF: EL PASO COLBY, INC Petitioners for Special Hearing on the Property located at 6136 Deer Park Road	*	
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	Civil Action No.: C-03-CV-19-003520
Board of Appeals Case No.: 18-155-SPH	*	

RECEIVED
JAN 31 2020
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * * * *

ORDER

UPON REVIEW of Petitioners Notice of Voluntary Dismissal of the Petition for Judicial Review, it is this _____ date of 01/31/2020, 2020, hereby

ORDERED that this case be and is hereby DISMISSED.

Rich Jakubowski
JUDGE, Circuit Court for Baltimore County

01/31/2020 10:45:26 AM

True Copy Test
JULIE L. ENSOR, Clerk
Per _____
Assistant Clerk

Entered: Clerk, Circuit Court for
Baltimore County, MD
January 31, 2020

FILED; Baltimore County Circuit Court
Docket: 1/30/2[illegible]:20 PM; Submission: 1/30/2020 3:20 PM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF: EL PASO COLBY, INC Legal Owner 12120 Esther Lama Drive El Paso, TX 79936	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	
IN THE MATTER OF: EL PASO COLBY, INC Petitioners for Special Hearing on the Property located at 6136 Deer Park Road	*	
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	Civil Action No.: C-03-CV-19-003520
Board of Appeals Case No.: 18-155-SPH	*	

RECEIVED
JAN 31 2020
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * * * *

NOTICE OF VOLUNTARY DISMISSAL OF PETITION FOR JUDICIAL REVIEW

Petitioner, El Paso Colby, Inc, by and through Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, their attorneys, and pursuant to Maryland Rule 7-209, hereby moves to dismiss the Petition for Judicial Review filed on September 23, 2019.

Respectfully submitted,

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204
410-821-0070
410-821-0071 (facsimile)
lschmidt@sgs-law.com
Attorney for Petitioner
CPF #: 7905010152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2020, a copy of the foregoing Notice of Dismissal was served via MDEC:

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carol S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136

Lawrence E. Schmidt

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 23, 2019

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-19-003520
In the Matter of: El Paso Colby, Inc.
Board of Appeals Case No.: 18-155-SPH

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tammy A. Zahner
Legal Secretary

Multiple Original Letters
Enclosure

c: Robert C. Morgan, Esquire
El Paso Colby, Inc.
Rebecca Conley
William Conley
Lakeview Folly Farms Community

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
PETITION OF: EL PASO COLBY, INC.	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	CIVIL ACTION NO.: C-03-CV-19-003520
IN THE MATTER OF: EL PASO COLBY, INC. Petitioners for Special Hearing on the Property located at 6136 Deer Park Road	*	
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	
BOARD OF APPEALS CASE NO.: 18-155-SPH	*	

* * * * * * * * * * * * *

PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OF BALTIMORE COUNTY

December 7, 2017	Petition for Special Hearing filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., pursuant to Section 500.7 of the BCZR to (1) to confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and (4) for such other and further relief as may be required.
December 11, 2017	Entry of Appearance filed by People's Counsel for Baltimore County.
December 19, 2017	Notice of Zoning Hearing
January 2, 2018	Certificate of Posting
January 4, 2018	Certificate of Publication in newspaper
January 18, 2018	ZAC Comments
January 25, 2018	Administrative Law Judge convened for a hearing.
February 9, 2018	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, as to (1) no additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and (2) provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.
February 20, 2018	Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc.
March 2, 2018	Opinion and Order on Motion for Reconsideration issued by the Administration Law Judge wherein the Motion for Reconsideration was DENIED.
March 12, 2018	Notice of Appeal filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc.
March 14, 2018	Appeal received by the Board.
March 26, 2018	Notice of Assignment issued by the Board.
April 3, 2018	Letter to Board from Lawrence E. Schmidt, Esquire requesting a postponement.

April 11, 2018	Notice of Postponement and Reassignment issued by the Board.
June 21, 2018	Entry of Appearance filed by Robert C. Morgan, Esquire on his own behalf, and in conjunction with interested party and community spokesperson Rebecca Conley.
June 25, 2018	Letter to Board from Michael R. McCann, Esquire entering his appearance on behalf of Rebecca Conley, and requesting a postponement of the hearing.
June 26, 2018	Miscellaneous scheduling e-mails
June 26, 2018	Request for Issuance of Subpoenas Duces Tecum received by the Board from Robert Morgan, Esquire and Rebecca Conley.
June 27, 2018	E-mail to Robert Morgan, Esquire from Board advising of procedure for obtaining Subpoenas.
July 2, 2018	Notice of Postponement issued by the Board.
July 9-30, 2018	Miscellaneous scheduling e-mails
July 30, 2018	E-mail to counsel and Board from Robert C. Morgan, Esquire advising that he does not and never did represent Ms. Conley, and that he will be withdrawing as counsel in this case.
August 7, 2018	Notice of Reassignment issued by the Board.
August 24–28, 2018	Miscellaneous scheduling e-mails
August 30, 2018	Letter to Board from Lawrence E. Schmidt, Esquire advising of scheduling conflict
September 18, 2018	Amended Notice of Reassignment issued by the Board.
November 1, 2018	Subpoena Duces Tecum issued to Lloyd Moxley, Baltimore County Department of Planning, at the request of Michael R. McCann, Esquire
November 8, 2018	Board convened for a Hearing

Exhibits submitted at Hearing before the Board of Appeals:

Petitioner's Exhibit No.

1 – Devolution of Title Plan accompanying Petition
2 – Parcel 258 Deed History
3 – Parcel 350 Deed History
4 – Deed dated November 21, 2000 by Edward and Janice Silcott to Thomas and Jennifer Silcott
5 – Minor Subdivision Plat – 2000 Parcel 350
6 – Baltimore County – My Neighborhood Map and SDAT printouts

Protestants Exhibit No.

1 – Minor Subdivision Plat SM1-212
2 – Memo to File from Moxley – Minor Sub File

People's Counsel Exhibit No.

1 – Baltimore County Development Management Policy Manual excerpt
2 – Sign-in sheet

January 2, 2019	Letter to Board from People's Counsel providing list of concerned citizens who could not attend hearing but wanted to register their opposition.
January 4, 2019	Joint Stipulation Requesting Extended Time for Filing filed by counsel.
January 4, 2019	E-mail to counsel granting extension of time to file Memos.
January 11, 2019	Petitioners' Post Hearing Memorandum filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, LLC, Petitioner.
January 11, 2019	Post-Hearing Memorandum filed by Michael R. McCann, Esquire on behalf of Rebecca and William Conley and the Lakeview Folly Farms Community, Protestants.
January 11, 2019	Memorandum of People's Counsel for Baltimore County.
February 7, 2019	Board convened for Public Deliberation.
August 28, 2019	Majority Opinion and Order issued by the Board wherein it was found that Petitioner El Paso Colby, Inc. has no remaining density units on the Parcel known as Parcel 350; and that Petitioner El Paso Colby, Inc. has two remaining density units on the Parcel known as Parcel 258.

	Concurrence in Part and Dissent in Part issued concluding that Parcel 350 has one remaining subdivision.
September 23, 2019	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc.
October 3, 2019	Line Requesting Removal of Respondent filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.
October 25, 2019	Response to Petition for Judicial Review filed by Michael R. McCann, Esquire on behalf of Rebecca and William Conley and the Lakeview Folly Farms Community, Respondents.
October 28, 2019	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
October 30, 2019	Certificate of Compliance sent to all parties and interested persons.
November 1, 2019	Response to Petition for Judicial Review filed by People's Counsel for Baltimore County.
December 23, 2019	Transcript of testimony filed.
December 23, 2019	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2019 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

El Paso Colby, Inc.
12120 Esther Lama Drive
El Paso, TX 79936

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, MD 21204

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136

Rebecca and William Conley
6232 Deer Park Road
Reisterstown, MD 21136

Lakeview Folly Farms Community
6232 Deer Park Road
Reisterstown, MD 21136

Tammy A. Zahner

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
EL PASO COLBY, INC. *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-19-003520
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, Maryland 21204

*

IN THE MATTER OF:
EL PASO COLBY, INC. *
Petitioners for Special Hearing on the
Property located at *
6136 Deer Park Road

*

2nd Election District
4th Councilmanic District *

BOARD OF APPEALS CASE NO.: 18-155-SPH *

* * * * * * * * * * * * * *

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NOV 01 2019
BALTIMORE COUNTY
BOARD OF APPEALS

RESPONSE TO PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule 7-204, submits this response to the Petition for Judicial Review filed by EL PASO COLBY, INC. and states that it intends to participate in this action for Judicial Review. The undersigned participated in the proceeding before the County Board of Appeals.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
pzimmerman@baltimorecountymd.gov
CPF# 7212010276

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
cdemilio@baltimorecountymd.gov
CPF# 7412010076

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November 2019, a copy of the foregoing Response to Petition for Judicial Review was sent, via electronic filing to:

Michael McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

Lawrence Schmidt, Esquire
600 Washington Avenue, Suite 200
Towson, Maryland 21204

And via first class mail, postage prepaid, to:

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, Maryland 21136

Baltimore County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Carole S. DeMilio

CAROLE S. DEMILIO
Deputy People's Counsel for Baltimore County

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF:
EL PASO COLBY, INC. *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-19-003520
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204
*
IN THE MATTER OF:
EL PASO COLBY, INC. *
Petitioners for Special Hearing on the
Property located at *
6136 Deer Park Road
*
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT *

BOARD OF APPEALS CASE NO.: 18-155-SPH *

* * * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

El Paso Colby, Inc.
12120 Esther Lama Drive
El Paso, TX 79936

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136

William Conley
6232 Deer Park Road
Reisterstown, MD 21136

Rebecca Conley
6232 Deer Park Road
Reisterstown, MD 21136

Lakeview Folly Farms Community
6232 Deer Park Road
Reisterstown, MD 21136

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 30th day of October, 2019, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 30, 2019

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Case No.: C-03-CV-19-003520
In the Matter of: El Paso Colby, Inc.
Board of Appeals Case No.: 18-155-SPH

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on October 28, 2019. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. The transcript has already been provided by Counsel. Additional copies can be purchased from the Board of Appeals in accordance with the County's copying policy.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Robert C. Morgan, Esquire
El Paso Colby, Inc.
Rebecca Conley
William Conley
Lakeview Folly Farms Community

RECEIVED
OCT 28 2019
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY *

PETITION OF: *

EL PASO COLBY, INC. *
12120 Esther Lama Drive
EL Paso, TX 79936 *

FOR JUDICIAL REVIEW OF THE DECISION OF: *

The Baltimore County Board of Appeals Case No. 03-C-19-003520
*

105 W. Chesapeake Ave. *
Suite 203
Towson, Maryland 21204
*

IN THE CASE OF: *

EL PASO COLBY, INC. *
Petitioners for Special Hearing on property located
at 6136 Deet Park Road
*

County Board of Appeals Case No. CBA -18-155-SPH

* * * * * * * * * *

Rebecca and William Conley *
6232 Deer Park Road
Reisterstown, MD 21136 *

Lakeview Folly Farms Community *
6232 Deer Park Road
Reisterstown, MD 21136 *

Respondents

* * * * * * * * * * * * * *

RESPONSE TO PETITION FOR JUDICAL REVIEW

Respondents, Rebecca and William Conley and the Lakeview Folly Farms Community, , pursuant to Maryland Rule 7-204(c), intend to participate in the action for judicial review filed by Petitioners.

/s/

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
CPF No. 8112010099
michael@mmccannlaw.net
(410) 825-2150

Attorneys for Respondents

Dated: October 25, 2019

CERTIFICATE OF SERVICE

I HERE BY CERTIFY that, on this 25th day of October 2019, a copy of the foregoing Response to Petition for Judicial Review was sent, via electronic filing, to:

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, Maryland 21204

Office of People's Counsel
Carole Demilio
105 W. Chesapeake Avenue
Towson, MD 21204

Attorney for Petitioner

And via first class mail, postage prepaid, to:

Krysundra Cannington, Administrator
County Board of Appeals
105 W. Chesapeake Avenue, Ste. 203
Towson, MD 21204
kcannington@baltimorecountymd.gov

/s/
Michael R. McCann

PETITION OF: EL PASO COLBY, INC. 12120 Esther Lama Drive El Paso, TX 79936	*	IN THE
	*	CIRCUIT COURT
	*	FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	BALTIMORE COUNTY
	*	
	*	**Case No.: C-03-CV-19-003520**
IN THE MATTER OF: EL PASO COLBY, INC. Petitioners for Special Hearing on the Property located at 6136 Deer Park Road	*	
	*	
2nd Election District 4th Councilmanic District	*	
County Board of Appeals Case No. 18-155-SPH	*	

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OCT 07 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* *

LINE REQUESTING REMOVAL OF RESPONDENT

Now comes the Petitioner, El Paso Colby, Inc, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, and hereby says the following:

1. A Petition for Judicial Review ("Petition") was e-filed on September 23, 2019 requesting judicial review of the Opinion of the Board of Appeals for Baltimore County pursuant to MD Rule 7-202.
2. In order to e-file the Petition, per MDEC, my paralegal had to include a Respondent on the initial filing.
3. Thereafter, I received a notice of deficient filing indicating "All parties added in File and Serve must be listed on the Petition and match exactly. (The respondent)".
4. Upon contacting the Clerk's office, Petitioner's counsel was advised that the Office of People's Counsel was listed as a Respondent on the matter and, as such, would either

need to be identified as a party in the caption of the Petition or removed as a party to this matter by filing a Line.

5. As such, Petitioner requests the Court remove the Office of People's Counsel as a Respondent in this matter and issue a notice accepting the Petition as filed on September 23, 2019.
6. Any individual or entity that wishes to participate in this matter, including but not limited to the Office of People's Counsel, may file a Notice of Intent to Participate pursuant to MD Rule 7-204 and thereafter be entered into the case.

/s/
LAWRENCE E. SCHMIDT
0Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com
CPF # 7905010152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **3rd** day of **October, 2019,** a copy of the foregoing Line Requesting Removal of Respondent was mailed, via first class mail to:

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136

Peter M. Zimmerman, Esquire
Carol S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

/s/
LAWRENCE E. SCHMIDT

PETITION OF: EL PASO COLBY, INC. 12120 Esther Lama Drive El Paso, TX 79936	*	IN THE
	*	CIRCUIT COURT
	*	FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	BALTIMORE COUNTY
	*	
	*	**Case No.:** _____
IN THE MATTER OF: EL PASO COLBY, INC. Petitioners for Special Hearing on the Property located at 6136 Deer Park Road	*	
	*	
2nd Election District 4th Councilmanic District	*	
	*	
County Board of Appeals Case No. 18-155-SPH		

RECEIVED
SEP 25 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* *

PETITION FOR JUDICIAL REVIEW

Petitioner, El Paso Colby, Inc. by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, requests judicial review of both the Majority Opinion and Concurrence In Part and Dissent in Part of the Board of Appeals for Baltimore County dated August 28, 2019, a copy of which is attached as Exhibit A and B, in the above referenced matter. Petitioner was a party below and fully participated, individually and through other counsel, in the proceedings.

This Petition is filed pursuant to Rules 7-202 and 7-203(b) of the Maryland Rules of Procedure.

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com
CPF # 7905010152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **23rd** day of **September, 2019,** a copy of the foregoing Petition for Judicial Review was mailed, via first class mail to:

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carol S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136

LAWRENCE E. SCHMIDT

E-FILED; Baltimore County Circuit Court
Docket: 10/7/2 3:46 AM; Submission: 10/7/2019 8:46 AM

PETITION OF: EL PASO COLBY, INC. 12120 Esther Lama Drive El Paso, TX 79936	*	IN THE CIRCUIT COURT
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, MD 21204	*	FOR BALTIMORE COUNTY **Case No.:** **C-03-CV-19-003520**
IN THE MATTER OF: EL PASO COLBY, INC. Petitioners for Special Hearing on the Property located at 6136 Deer Park Road 2nd Election District 4th Councilmanic District County Board of Appeals Case No. 18-155-SPH	*	

RECEIVED
OCT 28 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* *

PETITION FOR JUDICIAL REVIEW

Petitioner, El Paso Colby, Inc. by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, requests judicial review of both the Majority Opinion and Concurrence In Part and Dissent in Part of the Board of Appeals for Baltimore County dated August 28, 2019, a copy of which is attached as Exhibit A and B, in the above referenced matter. Petitioner was a party below and fully participated, individually and through other counsel, in the proceedings.

This Petition is filed pursuant to Rules 7-202 and 7-203(b) of the Maryland Rules of Procedure.

/s/
LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com
CPF # 7905010152

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **23rd** day of **September, 2019,** a copy of the foregoing Petition for Judicial Review was mailed, via first class mail to:

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Krysundra Cannington, Administrator
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/s/
LAWRENCE E. SCHMIDT

IN THE MATTER OF EL PASO COLBY, INC PETITIONERS FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 6136 DEER PARK ROAD	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE NO: 18-155-SPH

* * * * * * * * * * * * *

MAJORITY OPINION

This matter comes before the Board as a *de novo* appeal from a decision by Administrative Law Judge John Beverungen ("ALJ"). The Petition for Special Hearing filed pursuant to BCZR, §500.7 to confirm/establish rights of subdivision (density) for existing Parcel 258 and Parcel 350 which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and 350. The Board of Appeals (CBA) heard the matter on November 8, 2018. The Petitioner, El Paso Colby, Inc, was represented by Lawrence E. Schmidt, Esquire. Protestant Rebecca Conley was represented by Michael R. McCann, Esquire. Another Protestant, Robert C. Morgan, Esquire, represented himself. Deputy People's Counsel, Carol Demilio, also participated in the hearing.

The CBA held its public deliberation on February 7, 2019. The CBA ruled that there are no remaining density units on what is known as Parcel 350 and two density units on what is known as Parcel 258.

Introduction

Luis Lara, Sr. is a principal in El Paso Colby, Inc. Apparently, Mr. Lara has been a friend and business associate of Edward Silcott for many years. Mr. Silcott was the original owner of the parcels at issue herein which he acquired in 1979, that being 48 acres +/- (Pet. Ex. 3, Tab 2), and 42.6 acres +/- in 1982. These are depicted on the relevant plats and plans as parcels 350, 606,

598, 258, and 559. They compose two tracts: 350, 606, and 598, acquired in 1979, are one tract (Pet. Ex. 3, Tab 2); 258 and 559, acquired in 1982 (Pet. Ex. 3, Tab 4), are the other tract. It was represented to the CBA that, as a result of financial difficulties, Mr. Silcott sold his holdings to Mr. Lara, retaining a life estate on his own home on what came to be known as Lot 350.

The properties are zoned Resource Conservation (RC) 4. Both of the original parcels – 350 and 258 – are in excess of 10 acres. This means that under the zoning regulations, density is calculated as .2 times the acreage. Baltimore County Zoning Regulation (BCZR) § 1A03.4(B)((1)(b). There are further restrictions under RC4 that are not directly relevant here. *See* §§ 1A03.4(B)(1) – (3). In addition, these parcels are all in Tier IV of the Sustainable Growth and Agricultural Preservation Act of 2012, referred to herein as the "Septics Act". The Septics Act limits development on Tier IV land, which is, such as the land at issue here, serviced by well and septic. Under the statewide Septics Act, Tier IV acreage can only be developed to the extent of a minor subdivision as the term "minor subdivision" is defined by the various local jurisdictions. As discussed below, Baltimore County defines a "minor subdivision" as being composed of not more than three residential units. Accordingly, regardless of the zoning that may permit greater density, the tracts at issue are limited to three density units each. The question here is to what extent these density units have already been utilized.

Baltimore County's Definition of Minor Subdivision

Because the Septics Act incorporates a local jurisdiction's definition of "minor subdivision", an arguably relevant issue in this matter is Baltimore County's definition of "minor subdivision". We say "arguably" because Baltimore County has historically operated with the understanding that "minor subdivision" is no more than three residential lots.

On this issue, it is important to review the exact wording found in the Septics Act with

regard to "minor subdivisions":

> Definitions.
> (a) (6) "Minor subdivision" means:
> (i) Into new lots, plats, building sites, or other divisions of land ***defined or described*** as a minor subdivision in a local ordinance or regulations:
> * * * *

MD Code Ann., EN, §9-206(a)(6). (Emphasis Added).

From our reading of the Septics Act, the County Council has ***described*** "minor subdivisions" in the Baltimore County Code ("BCC") as those which have three or fewer lots. The County Council sufficiently described these smaller developments by providing several exemptions from the development review and approval process as follows:

> (a) §32-4-106(a)(ix) - Subdivision of land that was recorded before January 26, 1990 into three or fewer lots;
> (b) §32-4-106(a)(x) - Except as provided in paragraph (2) of this subsection, subdivision of land into three or fewer lots for residential single-family dwellings provided that the lots are not served by a panhandle driveway.
> (c) §32-4-106(a)(x)(2) - If a lot is served by a panhandle driveway, the subdivision of land into three or fewer lots for residential single-family dwellings is only exempt from:
> (i) The concept plan requirements under §§32-4-211 through 32-4-217; and
> (ii) The county review requirements under §§32-4-226 and 32-4-227 of this title.
> (d) §32-4-106(b)(5) - The subdivision of land into three or fewer lots for residential single-family dwellings;
> (e) §32-4-106(b)(8) – A minor development that does not exceed a total of three lots.

Additionally, the BCZR contains the following references to minor (and major) subdivisions. *See e.g.* §§ 1A04.4(A), 1A07.8(B)(1)(b), 1A07.10, 1A09.7(B)(2), and 4A03.4(A)(4).

We find these descriptions in the BCC and BCZR of "minor subdivisions" to be consistent with the purpose of the Septics Act which is to limit the disproportionate impacts of large subdivisions on septic systems on farm and forest land, streams, rivers and Chesapeake and Coastal Bays. The Septics Act provides for four tiers of land use categories to identify where major and minor residential subdivisions may be located and what type of sewage system will serve them. Toward that end, we find the County's description of "minor subdivision" has defined it for purpose of development exemptions and the Septics Act.

In order to avoid the limiting effect of the Septics Act on the density calculation of the parcels at issue, Petitioner's counsel invited this Board to conclude that the absence of an express *definition* of "minor subdivision" in the BCZR or the BCC means that a minor subdivision can be more than three lots. The Board rejects that invitation in the strongest terms possible. For the CBA to rule as Petitioner requests would be to ignore the express wording of the Septics Act requiring either a "definition" **or** a "description" as well as a departure from long established and relied upon County practice. Expert witnesses for Petitioner **and** for Protestants both testified that Baltimore County operates, and has operated for decades, with the understanding that a "minor subdivision" means three or fewer lots. Petitioner's counsel himself conceded that fact.

Indeed, we agreed with Petitioner's counsel in the case of *In re: Valley Framing*, Case No. 08-123 wherein the Petitioner's request for a limited exemption under § 32-4-106(b)(8) was supported by the argument that: "Subsection 32-4-106(b)(8) allows minor development that do not exceed a total of three lots to be exempted from the hearing officer's hearing and community input meeting". (*See* Petitioner's Hearing Memorandum in Lieu of Closing Argument filed 2/17/2009).[1]

No county official or developer could operate – as they have since at least 1979 when the BCZR was adopted in its present form -- under those provisions without a common understanding of the meaning of "minor subdivision". The County Zoning Office has a checklist of requirements for minor subdivisions which is premised on the three lot maximum. The Baltimore County Development Management Policy Manual describes the "Procedure for Minor Subdivision" which includes the processing fees for a subdivision of one, two, or three lots, but no more. These are but a few examples of the way the three lot maximum for minor subdivisions is embedded within

[1] Lawrence E. Schmidt, Esquire represented the Petitioner/Property owner who was seeking the limited exemption.

County law and practice. Of course, it is a fundamental principle that an agency's interpretation of the laws and regulations it is commissioned to administer is worthy of great deference. *Board of Physician Quality Assurance v. Banks*, 354 Md. 59, 69 (1999). People's Counsel describes the situation well by saying that to conclude otherwise would be to conclude that ". . . countless years of unchallenged minor subdivision policy and regulation, and application in hundreds if not thousands of development cases is [sic] meaningless." People's Counsel Memorandum at p.8.

Given all of the above, the CBA unanimously finds that the description of "minor subdivision" found in both the BCC and the BCZR as above, as well as years of County development history in Baltimore County, leads to the inescapable and sound conclusion that a "minor subdivision" is a subdivision with not more than three residential lots.

Parcels 350, 606, and 598

The first tract was originally known as Parcel 350 ("350"). Originally, 350 was 48 acres +/-. Under BCZR § 1A03.4(B)((1)(b) it yielded 9 density units: .2 units per acre means .2 x 48 acres = 9.6 which results in 9 units. Both experts agreed that the density yielded 9 units. In 2000, Mr. Silcott filed a minor subdivision plat and plan which identified two units. (Pet. Ex. 5). Lot 1 was approximately 5.19 acres and is now parcel 598. The plan and plat reflected a house to be built. The balance of the property, deemed Lot 2, was 43.6 acres +/-, and remained parcel 350. Lot 2 showed an existing house, another two story building, and a building labeled as a 'tenant house'. It also showed associated well and septic areas for each of the three structures. (*Id.*). As indicated above, a "minor subdivision" is composed of not more than three lots utilizing three

density units. Thus, as of 2000, the minor subdivision was composed of (at least)[2] two lots: parcels 350 and 598.

On October 11, 2004, Mr. Silcott gifted what is now designated as parcel 606 to his son, Stephen Silcott. (Pet. Ex. 3, Tab 5). This lot was carved out of 350. The subdivision plan was not amended – as it should have been -- to reflect the transfer of title, but a transfer it was, and the utilization of a density unit it is. A landowner cannot avoid the effect of a transfer by simply having that transfer be, essentially, "off the books" as it was with Parcel 606. This is the utilization of yet one more density unit associated with 350. And what was once 350, was now 350, 598, and 606.

The question then is: given the transactions described above, how many density units remain on the original tract 350. There is a house on 350; there is a house on 598; and there is a house on 606. Each of these houses has a separate address and is serviced by separate well and septic systems. Whatever density rights may remain under the RC4 zoning rules, the limitations of the Septics Act kicks in. Given Baltimore County's definition of "minor subdivision", the total tract originally known as 350 is limited to three residential units. This means that all of the density units have been utilized.

If this were not enough, the subdivision plat and plan include a structure denoted as a "tenant house" on 350, as it now stands **after** peeling off 606 and 598. A tenant house is defined in BCZR § 1A03.4(B)(5). If a building is a tenant house, it does not count as a density unit. If a building is not a tenant house within the meaning of § 1A03.4(B)(5), then it does count as density unit. The evidence in this case established beyond all doubt that the "tenant house" depicted in

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[2] See the discussion regarding the tenant house, *infra* at p.7.

the 2000 subdivision plan was not a legitimate tenant house within the meaning of BCZR § 1A03.4(B)(5). It was not registered as a tenant house with Land Preservation Advisory Board as required by § 1A03.4(B)(5). Moreover, the testimony clearly established that there was no farming activity on parcel 350 to which a tenant house could be associated. § 1A03.4(B)(5)(a). Vance Summerhill, for example, testified that he did not see farming activity and that Ed Silcott's in-laws resided in the "tenant house" as a residence. The burden of persuasion on this point is with El Paso Colby. The only conceivable evidence is the labeling of the building as a tenant house on the 2000 subdivision plan. That is a very self-serving designation and given the absence of the required registration with the County and the affirmative testimony about the absence of agricultural activities, the CBA concludes that this structure is not a tenant house.

Accordingly, Mr. Silcott has utilized four density units out of the original nine as permitted in an RC4 zone. These are: 598, 606,[3] and two on 350 – the house and the tenant house. Even putting aside the tenant house issue, there are three units taken: 598, 606, and 350. Accordingly, and by reason of the Septics Act, there are no further density rights available on the original 350.

Petitioner also argued that this Board should decide the maximum available density without regard to past, present or future uses of Parcels 258 and 350. In other words, this Board should ignore any dwellings which currently exist on both parcels. In our review of prior cases on density rights, we note that the existence of dwellings has consistently been considered by the Board in determining how many density rights remained.

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[3] Lots 598 and 606 were transferred by Mr. Silcott to his children. Mr. Silcott lives, or recently lived, in 350 with a life estate, the residual estate to El Paso Colby.

In the Matter of Myles R. McComas, Case No.: 15-208-SPH, the Parties agreed that there remained only 1 density unit after deducting an existing dwelling and other structures.[4]

Similarly, *In the Matter of William and Karen Chandler,* Case No.: 16-025-SPH, Petitioners agreed that eight total density units were attributed to that property. However, because a single family dwelling existed, the Petitioners admitted that there remained only seven available density units.[5]

Finally, *In the Matter of Craig and Karen Kehoe*, Case No.: CBA-16-021, we found that there were no available density units remaining due to the presence of the Kehoe's house as well as an out-conveyance to another person.[6] This case marked the second round of litigation involving the Kehoe's property. Interestingly, as with the tenant house here, there was a dispute in the *Kehoe* case about whether a tenant house (a line-straddling building) was used as a "principal dwelling". We found the evidence proved that the tenant house was used as a principal dwelling and, as a result, it used the last available density unit.

Before making that decision in the second *Kehoe* case, we were guided by the Court of Special Appeals' decision in the first *Kehoe* case regarding the calculation of available density units. The Court held that the process entails first determining the initial density rights, and then subtracting the density units which have already been used or conveyed. The Court explained, in pertinent part:

> Some of the parcels' density units have already been used or conveyed. The Kehoes' house on Parcel One utilizes one unit on that parcel, and the remaining Parcel One density unit was utilized by a three-acre conveyance in 1996, so no further development on that

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[4] Counsel for Petitioner, the Estate of Myles R. McComas, was Lawrence E. Schmidt, Esquire and Carole Demilio, Esquire, Deputy People's Counsel, agreed to the Order signed by the Board on October 22, 2015.

[5] William and Karen Chandler were represented by Lawrence E. Schmidt, Esquire. Carole Demilio, Esquire, Deputy People's Counsel also participated in the hearing.

[6] Kenneth Wells, registered property line surveyor in this case was also the expert for Craig and Karen Kehoe.

> parcel is possible. A 1998 three acre conveyance of a dwelling lot to Ms. Arthur utilized one of the density units for Parcel Two. Except for the dwelling straddling the boundary between Parcel One and Parcel Two, the remaining acreage of Parcel Two is undeveloped; whether or not that line-straddling building consumes a density unit is a matter of dispute.

Kehoe v. Arthur, Sept. Term 2013, No. 1448, at pp. 2-3.

In light of these prior Board cases, we believe that our decision in this case is consistent with those density calculations.

Parcels 258 and 559

The same logic applies to the two remaining parcels – 258 and 559, originally known as tract 258. This tract amounted to approximately 42 acres. It also is zoned RC4, and the same formula as cited above is used to determine the number of density units. That calculation results in 8 total density units. Mr. Silcott acquired this tract in 1982. In 1993, Mr. Silcott sold off 11.5 acres as lot 559 to the Craigs who constructed a residence. No minor subdivision plan was filed with Baltimore County, so this is another "off the record" transfer like that of parcel 606. This might otherwise leave 2 density units on 559 (one of which is taken) and 6 on 258. However, according to Bruce Doak, testifying as an expert in this matter, in order for there to be any development, the developer would have to file a minor subdivision plan that would include **both** 258 and 559 as one tract. Because the minor subdivision plan is limited to three density units under the Septics Act, there can only be a total of three density units on that entire tract. One of those units has been taken by the transfer of 559 to the Craigs. Parcel 258 is unimproved. Thus, on the balance of the tract – in effect, on what is presently 258, there are two density units remaining.[7]

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[7] Of course, any development would also have to satisfy all of the requirements for development of RC4 land, such as the establishment of a conservancy, minimum lot sizes, setbacks, permeable surface area, and the like. *See* § 1A03.4(B)(1)-(5).

CONCLUSION

For the reasons outlined above, it is the finding of the majority of the CBA that the Petitioner has no remaining density units on the parcels referred to as 350; and the unanimous finding of CBA that the Petitioner has two remaining density units on the parcel known as 258.

ORDER

THEREFORE, IT IS THIS 28th day of August, 2019, by the Board of Appeals of Baltimore County, hereby

ORDERED, that in accordance with the conclusions herein, Petitioner El Paso Colby, Inc. has no remaining density units on the Parcel known in this matter as Parcel 350; and it is further

ORDERED, that Petitioner El Paso Colby, Inc. has two remaining density units on the Parcel known in this matter as Parcel 258.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rules 7-201 of the *Maryland Rules.*

BOARD OF APPEALS OF
BALTIMORE COUNTY

Joseph L. Evans, Panel Chair

Maureen E. Murphy

IN THE MATTER OF EL PASO COLBY, INC PETITIONERS FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 6136 DEER PARK ROAD	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE NO: 18-155-SPH

* * * * * * * * * * * * *

CONCURRENCE IN PART AND DISSENT IN PART

I concur with the majority on all issues and respectfully dissent in part.

FACTS

The Dissent does not dispute the statement of facts as laid out by the Majority, however, I would like to note several facts relevant to this Dissent. Petitioner, El Paso Colby, Inc, purchased the properties in question, which are undisputedly zoned RC 4, when the previous owner, a long-time friend of Appellant's principal, Luis Lara, Sr., experienced financial strain which threatened his continued ownership. In doing so, Mr. Lara graciously allowed his friend to remain on the property until he was able to relocate which he intended to do shortly for health reasons. Consequently, Appellant requested a determination of the permissible density units on Parcel 350 for the purpose of a sale.

It is not necessary to repeat all of the factual background that is recited by the Majority, but it is enough to note several facts related to Parcel 350 which is the basis for this Dissent.

Parcels 350 and 606 are separate parcels. Mr. Silcott's predecessor in title (Gray) owned both Parcel 350 and Parcel 606, which he conveyed to Mr. Silcott under a single deed sometime in 1979. This conveyance was prior to the effective date of RC 4 regulations. On February 5, 1982, Mr. Silcott subsequently filed a confirmatory deed to reiterate that Parcel 606 was a separate parcel of land from Parcel 350.

Since 1979, Mr. Silcott has sold two parcels of land from the totality of parcels related to this matter. In 2000, he subdivided Parcel 350 by creating Parcel 598 and sold it. (Pet. Ex. 5). In 2004, he conveyed Parcel 606 to his son, Steven Silcott. (Pet. Ex. 3 Tab 5)

ARGUMENT

This Dissent is based on the interpretations of alterations to the acreage of Parcel 350 prior to 1979, by subdivision and conveyances, and the application of the Sustainable Growth and Agricultural Preservation Act of 2012 ("Septics Act") on such actions. I respectfully disagree with my colleagues on the application of the Septics Act as applied to Parcel 350 for the reasons found herein.

The morass caused by the intersection of Baltimore County Zoning Regulation ("BCZR") § 1A03.4(B)(l)(b) and the Septics Act is a source of multiple interpretations. Everyone agrees that BCZR § 1A03.4(B)(l)(b) yields 9 density units for Parcel 350. The application of the SGAP Act is what prompted the chaos which is the subject of this action.

The Septics Act took effect on July 1, 2012 and it further limits the density of parcels beyond BCZRs. Parcel 350 is a Tier 4 parcel, which only permits minor subdivisions under BCZRs. The Septics Act defines a "minor subdivision" as:

> (i) The subdivision of land:
>
> 1. into new lots, plats, building sites or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation:
>
> A. that is in effect on or before January 1, 2012; or
>
> B. adopted on or before December 31, 2012 if a local jurisdiction chooses to create a definition or description applicable solely to this Section or if a local ordinance or regulation does not define or describe a minor subdivision under A of this item, provided that a minor subdivision defined or described in the adopted ordinance or regulation

> does not exceed seven new lots, plats, building sites or other divisions of land; or
>
> 2. If a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 21, 2012, under item 1 of this item, into fewer than five new lots, plats, building sites, or other divisions of land; and
>
> (ii) If the local ordinance or regulation has multiple definitions or descriptions of a minor subdivision under item (i) of this paragraph, the definition or description of a minor subdivision that is determined by the local jurisdiction to apply for the purpose of this Section.
> MD Code Ann., EN, § 9-206(a)(6).

In applying the Septics Act to further limit the density of parcels, there are several paths of interpretation arising from the interface between the Baltimore County Code ("BCC") and the Septics Act and the ambiguity generated therein. The Petitioner would like for this Board to believe that Baltimore County never adopted a definition of a minor subdivision as contemplated by the Septics Act, and therefore, Petitioner is entitled to five (5) new subdivisions. My colleagues concluded that Baltimore County resolved the ambiguity by relying on other BCC definitions for minor subdivisions, which defines minor subdivisions as three or fewer lots. My colleagues then applied this limitation to conclude that Parcel 350 had no more subdivisions available. To reach this conclusion, they counted Parcels 350, 598 and 606.

The general principles of the law of equity and fairness causes me to conclude that after applying the Septics Act, Parcel 350 is limited to 1 additional subdivision. The crux of my disagreement with the Majority opinion concerning this parcel is based on applying new law to acts that were performed many years ago with the benefit of hindsight and applying new law to a property owner that effectively reduces the economic value of the property without due process combined with a new law that has unresolved ambiguities within its text.

The ambiguities between BCC and the Septics Act cause me to reach the same conclusion

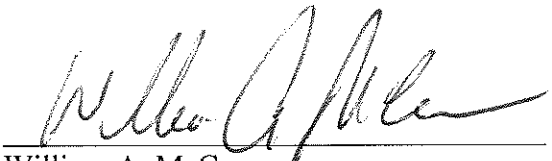
via two paths. Using the Majority finding that limits a Tier IV parcel to three (3) subdivisions, I find that Parcel 350 has one remaining subdivision because Parcel 606 was obtained through adverse possession and has always been a separate parcel from Parcel 350 (as acknowledged in the confirmatory deed). For this reason, I did not count the sale of Parcel 606 as a subdivision for Parcel 350. I also note that the Petitioner was only asking for a determination of the density units available to Parcel 350 without this Board considering the effect that the tenant house has on the density calculation.

I also found the Petitioner's argument convincing, concerning the defects arising from the interface between the BCC and the Septics Act convincing. I agree that the BCC fails to expressly provide a definition that clearly resolves the foregoing ambiguity. Applying the Petitioner's standard of five (5) subdivisions to Parcel 350, I count 606 as one subdivision, as I likewise count, 598 and the tenant house which yields a sum of four (4) subdivisions and therefore, I conclude that Parcel 350 has only one remaining subdivision. I also note that the Petitioner raises an interesting interpretation of the Septics Act when the Petitioner argued that the subdivisions must be "new," meaning that the subdivisions must occur after the effective date of the Septics Act.

CONCLUSION

To apply the Act in the manner that the Majority proposes would result in not only an unfair result for Petitioner, by any measure, a good county resident and a good neighbor, but would also contravene the intent of the legislature and violate the law of equities. For these reasons, I respectfully dissent in part and conclude that Parcel 350 has one remaining subdivision.

August 28, 2019
Date



William A. McComas

Board of Appeals of Baltimore County

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August 28, 2019

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RE: In the Matter of: *El Paso Colby, Inc.*
Case No.: 18-155-SPH

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order, and the Concurrence in Part and Dissent in Part, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

c: El Paso Colby, Inc.
Rebecca Conley
Lawrence M. Stahl, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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* * * * * * * * * * * * * *

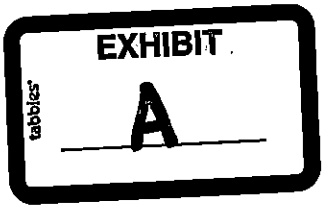
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On this issue, it is important to review the exact wording found in the Septics Act with

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> (i) Into new lots, plats, building sites, or other divisions of land ***defined or described*** as a minor subdivision in a local ordinance or regulations:
>
> * * * *

MD Code Ann., EN, §9-206(a)(6). (Emphasis Added).

From our reading of the Septics Act, the County Council has ***described*** "minor subdivisions" in the Baltimore County Code ("BCC") as those which have three or fewer lots. The County Council sufficiently described these smaller developments by providing several exemptions from the development review and approval process as follows:

> (a) §32-4-106(a)(ix) - Subdivision of land that was recorded before January 26, 1990 into three or fewer lots;
>
> (b) §32-4-106(a)(x) - Except as provided in paragraph (2) of this subsection, subdivision of land into three or fewer lots for residential single-family dwellings provided that the lots are not served by a panhandle driveway.
>
> (c) §32-4-106(a)(x)(2) - If a lot is served by a panhandle driveway, the subdivision of land into three or fewer lots for residential single-family dwellings is only exempt from:
>
> (i) The concept plan requirements under §§32-4-211 through 32-4-217; and
>
> (ii) The county review requirements under §§32-4-226 and 32-4-227 of this title.
>
> (d) §32-4-106(b)(5) - The subdivision of land into three or fewer lots for residential single-family dwellings;
>
> (e) §32-4-106(b)(8) – A minor development that does not exceed a total of three lots.

Additionally, the BCZR contains the following references to minor (and major) subdivisions. *See e.g.* §§ 1A04.4(A), 1A07.8(B)(1)(b), 1A07.10, 1A09.7(B)(2), and 4A03.4(A)(4).

We find these descriptions in the BCC and BCZR of "minor subdivisions" to be consistent with the purpose of the Septics Act which is to limit the disproportionate impacts of large subdivisions on septic systems on farm and forest land, streams, rivers and Chesapeake and Coastal Bays. The Septics Act provides for four tiers of land use categories to identify where major and minor residential subdivisions may be located and what type of sewage system will serve them. Toward that end, we find the County's description of "minor subdivision" has defined it for purpose of development exemptions and the Septics Act.

In order to avoid the limiting effect of the Septics Act on the density calculation of the parcels at issue, Petitioner's counsel invited this Board to conclude that the absence of an express *definition* of "minor subdivision" in the BCZR or the BCC means that a minor subdivision can be more than three lots. The Board rejects that invitation in the strongest terms possible. For the CBA to rule as Petitioner requests would be to ignore the express wording of the Septics Act requiring either a "definition" **or** a "description" as well as a departure from long established and relied upon County practice. Expert witnesses for Petitioner **and** for Protestants both testified that Baltimore County operates, and has operated for decades, with the understanding that a "minor subdivision" means three or fewer lots. Petitioner's counsel himself conceded that fact.

Indeed, we agreed with Petitioner's counsel in the case of *In re: Valley Framing*, Case No. 08-123 wherein the Petitioner's request for a limited exemption under § 32-4-106(b)(8) was supported by the argument that: "Subsection 32-4-106(b)(8) allows minor development that do not exceed a total of three lots to be exempted from the hearing officer's hearing and community input meeting". (*See* Petitioner's Hearing Memorandum in Lieu of Closing Argument filed 2/17/2009).[1] No county official or developer could operate – as they have since at least 1979 when the BCZR was adopted in its present form – under those provisions without a common understanding of the meaning of "minor subdivision". The County Zoning Office has a checklist of requirements for minor subdivisions which is premised on the three lot maximum. The Baltimore County Development Management Policy Manual describes the "Procedure for Minor Subdivision" which includes the processing fees for a subdivision of one, two, or three lots, but no more. These are but a few examples of the way the three lot maximum for minor subdivisions is embedded within

[1] Lawrence E. Schmidt, Esquire represented the Petitioner/Property owner who was seeking the limited exemption.

County law and practice. Of course, it is a fundamental principle that an agency's interpretation of the laws and regulations it is commissioned to administer is worthy of great deference. *Board of Physician Quality Assurance v. Banks*, 354 Md. 59, 69 (1999). People's Counsel describes the situation well by saying that to conclude otherwise would be to conclude that ". . . countless years of unchallenged minor subdivision policy and regulation, and application in hundreds if not thousands of development cases is [sic] meaningless." People's Counsel Memorandum at p.8.

Given all of the above, the CBA unanimously finds that the description of "minor subdivision" found in both the BCC and the BCZR as above, as well as years of County development history in Baltimore County, leads to the inescapable and sound conclusion that a "minor subdivision" is a subdivision with not more than three residential lots.

Parcels 350, 606, and 598

The first tract was originally known as Parcel 350 ("350"). Originally, 350 was 48 acres +/-. Under BCZR § 1A03.4(B)((1)(b) it yielded 9 density units: .2 units per acre means .2 x 48 acres = 9.6 which results in 9 units. Both experts agreed that the density yielded 9 units. In 2000, Mr. Silcott filed a minor subdivision plat and plan which identified two units. (Pet. Ex. 5). Lot 1 was approximately 5.19 acres and is now parcel 598. The plan and plat reflected a house to be built. The balance of the property, deemed Lot 2, was 43.6 acres +/-, and remained parcel 350. Lot 2 showed an existing house, another two story building, and a building labeled as a 'tenant house'. It also showed associated well and septic areas for each of the three structures. (*Id.*). As indicated above, a "minor subdivision" is composed of not more than three lots utilizing three

density units. Thus, as of 2000, the minor subdivision was composed of (at least)[2] two lots: parcels 350 and 598.

On October 11, 2004, Mr. Silcott gifted what is now designated as parcel 606 to his son, Stephen Silcott. (Pet. Ex. 3, Tab 5). This lot was carved out of 350. The subdivision plan was not amended – as it should have been -- to reflect the transfer of title, but a transfer it was, and the utilization of a density unit it is. A landowner cannot avoid the effect of a transfer by simply having that transfer be, essentially, "off the books" as it was with Parcel 606. This is the utilization of yet one more density unit associated with 350. And what was once 350, was now 350, 598, and 606.

The question then is: given the transactions described above, how many density units remain on the original tract 350. There is a house on 350; there is a house on 598; and there is a house on 606. Each of these houses has a separate address and is serviced by separate well and septic systems. Whatever density rights may remain under the RC4 zoning rules, the limitations of the Septics Act kicks in. Given Baltimore County's definition of "minor subdivision", the total tract originally known as 350 is limited to three residential units. This means that all of the density units have been utilized.

If this were not enough, the subdivision plat and plan include a structure denoted as a "tenant house" on 350, as it now stands after peeling off 606 and 598. A tenant house is defined in BCZR § 1A03.4(B)(5). If a building is a tenant house, it does not count as a density unit. If a building is not a tenant house within the meaning of § 1A03.4(B)(5), then it does count as density unit. The evidence in this case established beyond all doubt that the "tenant house" depicted in

---

2 See the discussion regarding the tenant house, *infra* at p.7.

the 2000 subdivision plan was not a legitimate tenant house within the meaning of BCZR § 1A03.4(B)(5). It was not registered as a tenant house with Land Preservation Advisory Board as required by § 1A03.4(B)(5). Moreover, the testimony clearly established that there was no farming activity on parcel 350 to which a tenant house could be associated. § 1A03.4(B)(5)(a). Vance Summerhill, for example, testified that he did not see farming activity and that Ed Silcott's in-laws resided in the "tenant house" as a residence. The burden of persuasion on this point is with El Paso Colby. The only conceivable evidence is the labeling of the building as a tenant house on the 2000 subdivision plan. That is a very self-serving designation and given the absence of the required registration with the County and the affirmative testimony about the absence of agricultural activities, the CBA concludes that this structure is not a tenant house.

Accordingly, Mr. Silcott has utilized four density units out of the original nine as permitted in an RC4 zone. These are: 598, 606,[3] and two on 350 – the house and the tenant house. Even putting aside the tenant house issue, there are three units taken: 598, 606, and 350. Accordingly, and by reason of the Septics Act, there are no further density rights available on the original 350.

Petitioner also argued that this Board should decide the maximum available density without regard to past, present or future uses of Parcels 258 and 350. In other words, this Board should ignore any dwellings which currently exist on both parcels. In our review of prior cases on density rights, we note that the existence of dwellings has consistently been considered by the Board in determining how many density rights remained.

[3] Lots 598 and 606 were transferred by Mr. Silcott to his children. Mr. Silcott lives, or recently lived, in 350 with a life estate, the residual estate to El Paso Colby.

In the Matter of Myles R. McComas, Case No.: 15-208-SPH, the Parties agreed that there remained only 1 density unit after deducting an existing dwelling and other structures.[4]

Similarly, *In the Matter of William and Karen Chandler*, Case No.: 16-025-SPH, Petitioners agreed that eight total density units were attributed to that property. However, because a single family dwelling existed, the Petitioners admitted that there remained only seven available density units.[5]

Finally, *In the Matter of Craig and Karen Kehoe*, Case No.: CBA-16-021, we found that there were no available density units remaining due to the presence of the Kehoe's house as well as an out-conveyance to another person.[6] This case marked the second round of litigation involving the Kehoe's property. Interestingly, as with the tenant house here, there was a dispute in the *Kehoe* case about whether a tenant house (a line-straddling building) was used as a "principal dwelling". We found the evidence proved that the tenant house was used as a principal dwelling and, as a result, it used the last available density unit.

Before making that decision in the second *Kehoe* case, we were guided by the Court of Special Appeals' decision in the first *Kehoe* case regarding the calculation of available density units. The Court held that the process entails first determining the initial density rights, and then subtracting the density units which have already been used or conveyed. The Court explained, in pertinent part:

> Some of the parcels' density units have already been used or conveyed. The Kehoes' house on Parcel One utilizes one unit on that parcel, and the remaining Parcel One density unit was utilized by a three-acre conveyance in 1996, so no further development on that

---

[4] Counsel for Petitioner, the Estate of Myles R. McComas, was Lawrence E. Schmidt, Esquire and Carole Demilio, Esquire, Deputy People's Counsel, agreed to the Order signed by the Board on October 22, 2015.

[5] William and Karen Chandler were represented by Lawrence E. Schmidt, Esquire. Carole Demilio, Esquire, Deputy People's Counsel also participated in the hearing.

[6] Kenneth Wells, registered property line surveyor in this case was also the expert for Craig and Karen Kehoe.

> parcel is possible. A 1998 three acre conveyance of a dwelling lot to Ms. Arthur utilized one of the density units for Parcel Two. Except for the dwelling straddling the boundary between Parcel One and Parcel Two, the remaining acreage of Parcel Two is undeveloped; whether or not that line-straddling building consumes a density unit is a matter of dispute.

Kehoe v. Arthur, Sept. Term 2013, No. 1448, at pp. 2-3.

In light of these prior Board cases, we believe that our decision in this case is consistent with those density calculations.

Parcels 258 and 559

The same logic applies to the two remaining parcels – 258 and 559, originally known as tract 258. This tract amounted to approximately 42 acres. It also is zoned RC4, and the same formula as cited above is used to determine the number of density units. That calculation results in 8 total density units. Mr. Silcott acquired this tract in 1982. In 1993, Mr. Silcott sold off 11.5 acres as lot 559 to the Craigs who constructed a residence. No minor subdivision plan was filed with Baltimore County, so this is another "off the record" transfer like that of parcel 606. This might otherwise leave 2 density units on 559 (one of which is taken) and 6 on 258. However, according to Bruce Doak, testifying as an expert in this matter, in order for there to be any development, the developer would have to file a minor subdivision plan that would include **both** 258 and 559 as one tract. Because the minor subdivision plan is limited to three density units under the Septics Act, there can only be a total of three density units on that entire tract. One of those units has been taken by the transfer of 559 to the Craigs. Parcel 258 is unimproved. Thus, on the balance of the tract – in effect, on what is presently 258, there are two density units remaining.[7]

---

[7] Of course, any development would also have to satisfy all of the requirements for development of RC4 land, such as the establishment of a conservancy, minimum lot sizes, setbacks, permeable surface area, and the like. *See* § 1A03.4(B)(1)-(5).

CONCLUSION

For the reasons outlined above, it is the finding of the majority of the CBA that the Petitioner has no remaining density units on the parcels referred to as 350; and the unanimous finding of CBA that the Petitioner has two remaining density units on the parcel known as 258.

ORDER

THEREFORE, IT IS THIS 28th day of August, 2019, by the Board of Appeals of Baltimore County, hereby

ORDERED, that in accordance with the conclusions herein, Petitioner El Paso Colby, Inc. has no remaining density units on the Parcel known in this matter as Parcel 350; and it is further

ORDERED, that Petitioner El Paso Colby, Inc. has two remaining density units on the Parcel known in this matter as Parcel 258.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rules 7-201 of the *Maryland Rules.*

BOARD OF APPEALS OF BALTIMORE COUNTY

Joseph L. Evans, Panel Chair

Maureen E. Murphy

IN THE MATTER OF EL PASO COLBY, INC PETITIONERS FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 6136 DEER PARK ROAD	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE NO: 18-155-SPH

* * * * * * * * * * * * *

CONCURRENCE IN PART AND DISSENT IN PART

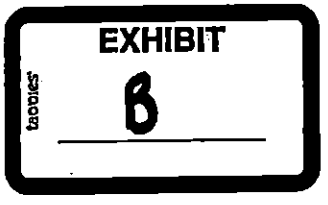
I concur with the majority on all issues and respectfully dissent in part.

FACTS

The Dissent does not dispute the statement of facts as laid out by the Majority, however, I would like to note several facts relevant to this Dissent. Petitioner, El Paso Colby, Inc, purchased the properties in question, which are undisputedly zoned RC 4, when the previous owner, a long-time friend of Appellant's principal, Luis Lara, Sr., experienced financial strain which threatened his continued ownership. In doing so, Mr. Lara graciously allowed his friend to remain on the property until he was able to relocate which he intended to do shortly for health reasons. Consequently, Appellant requested a determination of the permissible density units on Parcel 350 for the purpose of a sale.

It is not necessary to repeat all of the factual background that is recited by the Majority, but it is enough to note several facts related to Parcel 350 which is the basis for this Dissent.

Parcels 350 and 606 are separate parcels. Mr. Silcott's predecessor in title (Gray) owned both Parcel 350 and Parcel 606, which he conveyed to Mr. Silcott under a single deed sometime in 1979. This conveyance was prior to the effective date of RC 4 regulations. On February 5, 1982, Mr. Silcott subsequently filed a confirmatory deed to reiterate that Parcel 606 was a separate parcel of land from Parcel 350.



Since 1979, Mr. Silcott has sold two parcels of land from the totality of parcels related to this matter. In 2000, he subdivided Parcel 350 by creating Parcel 598 and sold it. (Pet. Ex. 5). In 2004, he conveyed Parcel 606 to his son, Steven Silcott. (Pet. Ex. 3 Tab 5)

ARGUMENT

This Dissent is based on the interpretations of alterations to the acreage of Parcel 350 prior to 1979, by subdivision and conveyances, and the application of the Sustainable Growth and Agricultural Preservation Act of 2012 ("Septics Act") on such actions. I respectfully disagree with my colleagues on the application of the Septics Act as applied to Parcel 350 for the reasons found herein.

The morass caused by the intersection of Baltimore County Zoning Regulation ("BCZR") § 1A03.4(B)(l)(b) and the Septics Act is a source of multiple interpretations. Everyone agrees that BCZR § 1A03.4(B)(l)(b) yields 9 density units for Parcel 350. The application of the SGAP Act is what prompted the chaos which is the subject of this action.

The Septics Act took effect on July 1, 2012 and it further limits the density of parcels beyond BCZRs. Parcel 350 is a Tier 4 parcel, which only permits minor subdivisions under BCZRs. The Septics Act defines a "minor subdivision" as:

> (i) The subdivision of land:
>
> 1. into new lots, plats, building sites or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation:
>
> A. that is in effect on or before January 1, 2012; or
>
> B. adopted on or before December 31, 2012 if a local jurisdiction chooses to create a definition or description applicable solely to this Section or if a local ordinance or regulation does not define or describe a minor subdivision under A of this item, provided that a minor subdivision defined or described in the adopted ordinance or regulation

> does not exceed seven new lots, plats, building sites or other divisions of land; or
>
> 2. If a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 21, 2012, under item 1 of this item, into fewer than five new lots, plats, building sites, or other divisions of land; and
>
> (ii) If the local ordinance or regulation has multiple definitions or descriptions of a minor subdivision under item (i) of this paragraph, the definition or description of a minor subdivision that is determined by the local jurisdiction to apply for the purpose of this Section.
> MD Code Ann., EN, § 9-206(a)(6).

In applying the Septics Act to further limit the density of parcels, there are several paths of interpretation arising from the interface between the Baltimore County Code ("BCC") and the Septics Act and the ambiguity generated therein. The Petitioner would like for this Board to believe that Baltimore County never adopted a definition of a minor subdivision as contemplated by the Septics Act, and therefore, Petitioner is entitled to five (5) new subdivisions. My colleagues concluded that Baltimore County resolved the ambiguity by relying on other BCC definitions for minor subdivisions, which defines minor subdivisions as three or fewer lots. My colleagues then applied this limitation to conclude that Parcel 350 had no more subdivisions available. To reach this conclusion, they counted Parcels 350, 598 and 606.

The general principles of the law of equity and fairness causes me to conclude that after applying the Septics Act, Parcel 350 is limited to 1 additional subdivision. The crux of my disagreement with the Majority opinion concerning this parcel is based on applying new law to acts that were performed many years ago with the benefit of hindsight and applying new law to a property owner that effectively reduces the economic value of the property without due process combined with a new law that has unresolved ambiguities within its text.

The ambiguities between BCC and the Septics Act cause me to reach the same conclusion

via two paths. Using the Majority finding that limits a Tier IV parcel to three (3) subdivisions, I find that Parcel 350 has one remaining subdivision because Parcel 606 was obtained through adverse possession and has always been a separate parcel from Parcel 350 (as acknowledged in the confirmatory deed). For this reason, I did not count the sale of Parcel 606 as a subdivision for Parcel 350. I also note that the Petitioner was only asking for a determination of the density units available to Parcel 350 without this Board considering the effect that the tenant house has on the density calculation.

I also found the Petitioner's argument convincing, concerning the defects arising from the interface between the BCC and the Septics Act convincing. I agree that the BCC fails to expressly provide a definition that clearly resolves the foregoing ambiguity. Applying the Petitioner's standard of five (5) subdivisions to Parcel 350, I count 606 as one subdivision, as I likewise count, 598 and the tenant house which yields a sum of four (4) subdivisions and therefore, I conclude that Parcel 350 has only one remaining subdivision. I also note that the Petitioner raises an interesting interpretation of the Septics Act when the Petitioner argued that the subdivisions must be "new," meaning that the subdivisions must occur after the effective date of the Septics Act.

CONCLUSION

To apply the Act in the manner that the Majority proposes would result in not only an unfair result for Petitioner, by any measure, a good county resident and a good neighbor, but would also contravene the intent of the legislature and violate the law of equities. For these reasons, I respectfully dissent in part and conclude that Parcel 350 has one remaining subdivision.

August 28, 2019
Date

William A. McComas

Board of Appeals of Baltimore County

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August 28, 2019

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Robert C. Morgan, Esquire
6315 Deer Park Road
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RE: In the Matter of: *El Paso Colby, Inc.*
Case No.: 18-155-SPH

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order, and the Concurrence in Part and Dissent in Part, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

c: El Paso Colby, Inc.
Rebecca Conley
Lawrence M. Stahl, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: El Paso Colby, Inc. – Legal 18-155-SPH

DATE: Owner February 7, 2019

BOARD/PANEL: Joseph E. Evans, Panel Chairman
Maureen E. Murphy
William A. McComas

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate a Petition for Special Hearing to confirm/establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board first discussed Parcel 350. This parcel originally contained approximately 48 acres, with 9 density units (48 acres x 0.2 = 9). According to the Minor Subdivision law, and the septic law, only three (3) density units can be used. The Board unanimously agreed that Parcel 598 was conveyed out and a dwelling constructed on the lot using one (1) density unit. The Board unanimously agreed that the residential dwelling currently existing on Parcel 350 is the second (2nd) density unit. Also currently on Lot 350 is a "tenant house". However, there is no evidence to indicate that it is a true "tenant house" as it is not registered with the County, no farming takes place on the parcel, and there was testimony that Mr. Silcott's in-laws formerly resided in the house. The Board majority found this structure utilizes the third (3rd) density unit. The dissenting member does not believe that the "tenant house" is a limiting factor for density calculation purposes.
- The Board discussed Parcel 606. The Board majority found that Parcel 606 was originally conveyed out of Parcel 350 by a meets and bounds Deed, not under an approved subdivision, thereby using a fourth (4th) density unit. The dissenting member is of the opinion that Parcel 606 was not part of the original Parcel 350, thereby finding that one (1) density unit remains on Parcel 350.
- The Board discussed Parcel 258. This parcel is also limited to three (3) density units. Lot 559 was convened out and contains one (1) density unit. There are no dwellings currently located on Parcel 258. The Board unanimously found that two (2) density units remain on Parcel 258.
- The Board noted that the Minor Subdivision law is a long standing agency practice of the County, and that the septic law applies unless the property has been grandfathered. Neither Parcel 258 nor Parcel 350 have been grandfathered.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed that two (2) density units remain on Parcel 258; and the majority found that no density units remain on Parcel 350, with the dissenting member finding that one (1) density unit remains.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

/s
Tammy A. Zahner

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner 18-155-SPH

DATE: February 7, 2018

BOARD/PANEL: Joseph E. Evans, Panel Chairman
Maureen E. Murphy
William A. McComas

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate a Petition for Special Hearing to confirm/establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

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- The Board noted that the Minor Subdivision law is a long standing agency practice of the County, and that the septic law applies unless the property has been grandfathered. Neither Parcel 258 nor Parcel 350 have been grandfathered.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed that two (2) density units remain on Parcel 258; and the majority found that no density units remain on Parcel 350, with the dissenting member finding that one (1) density unit remains.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner

Tammy A. Zahner

RE: PETITION FOR SPECIAL HEARING 6136 Deer Park Road; 500' SE of Intersection of Deer Park Road and Ivy Mill Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): El Paso Colby, Inc. by Luis Lara, Authorized Representative Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2018-155-SPH

* * * * * * * * * * * * *

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BOARD OF APPEALS

RE: PETITION FOR SPECIAL HEARING 6136 Deer Park Road; 500' SE of Intersection of Deer Park Road and Ivy Mill Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): El Paso Colby, Inc. by Luis Lara, Authorized Representative Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2018-155-SPH

* * * * * * * * * * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Statement of the Case

Petitioner, El Paso Colby, Inc. ("El Paso") has title to real property, consisting of two parcels, each in excess of 10 acres, fronting on both Deer Park Road and Oakland Road in rural northwestern Baltimore County. El Paso seeks a determination of density on the site, on the assumption that maximum density will enhance the price when the site is marketed. The site is zoned Resource Conservation 4 (R.C. 4), and is not connected to public water and sewer. The R.C. 4 statute, effective November 25, 1979, limits density to .2 lot per acre for tracts in excess of 10 acres and a minimum lot size of 1 acre. Baltimore County Zoning Regulations (BCZR) 1A03.4B.1.b. The site was part of larger parcels before "lots" were carved out and utilized for residential density. It is significant to the issues here that the creation of some of these so called "lots" was done illegally under Baltimore County subdivision regulations. The entire site is also designated Growth Tier 4 under the State Sustainable Growth and Agricultural Preservation Act of 2012. Growth Tier 4 limits development to a "minor subdivision" as that policy is described by the subdivisions in the State of Maryland. Baltimore County limits a minor subdivision to three lots.

El Paso ignores the Growth Tier IV limitation and Baltimore County's policy regarding minor subdivision tracts and claims maximum density on the five parcels listed on the chart on page 3 below. People's Counsel disagrees, as did the Administrative Law Judge, (ALJ), who limited density to two on parcel 258 and none on parcel 350.

El Paso appealed from the March 2, 2018 ALJ Opinion (Reconsideration) denying the relief. The CBA conducted an evidentiary hearing on November 8, 2016. The Office of People's Counsel and various neighborhood citizens, some represented by Michael McCann, Esq., opposed the Petition. The County Board of Appeals (CBA) requested Memorandum in lieu of closing argument.

El Paso filed what our office is calling a "skeletal" plan that does not include the requirements and information for a traditional site plan required for proposed zoning and development petitions. The plan was admitted without objection as El Paso's Exhibit #1. People's Counsel will refer to the colored parcels and parcel numbers as shown on Exhibit #1 and for this reason has produced an 8 ½ x 11 color copy submitted with this Memorandum, hopefully for ease of reference to the reader.

Density- R.C. 4

As stated in our opening remarks, density in this zone is determined by the following:

1. County Council zoning for R.C. 4 tracts of land under the Comprehensive Zoning Map Process (CZMP) in Baltimore County Code 32-3-211 et seq. or Cycle Zoning by CBA under Baltimore County Code 32-3-501 et seq. and Rule 9, Appendix BCZR.
2. When and how subject tracts, parcels or lots were created, including the required process and procedure either followed or ignored.
3. Any other law or policy that comes into play, including County or State statutes and regulations.

Mr. Bruce Doak, an experienced surveyor and land use consultant, testified as an expert for the protesting citizens. His testimony included a description of the density available on the site in light of the aforementioned three factors, as well as other comments based on his 30+ years of experience with the zoning and development process in Baltimore County.

Mr. Ken Wells, while an experienced surveyor who testified for El Paso, surprisingly did not offer much testimony to assist the CBA. The CBA correctly allowed Mr. Doak to

both identify and expound on the fundamental issues in the case despite El Paso's objection. Thus in our opinion, and as we shall explain, Mr. Doak's opinions were unrefuted. Likewise, Mr. Doak impressively and credibly refuted challenges on cross examination. In summary, his testimony supports People's Counsel's and the Protestants' position that there are only two density units remaining on Parcel 258 and no density remaining on Parcel 350, the density having been utilized by improved dwellings. Below is a chart of the relevant parcels or lots which will be referred to as "parcels" identified by the State Department of Assessments and Taxation and described as such at the hearing:

Parcel #	Acreage	Address	Owner	Improvements	Color on Map
350	39.478	6136 Deer Park	El Paso Colby	2 Houses & Outbuildings	Purple
258	30.595	Deer Park	El Paso Colby	Unimproved	Teal
598	5.192	1710 Oakland	T & J Silcott	Residence	White
559	11.465	1724 Oakland	W & A Craig	Residence	White
606	4.414	6226 Deer Park	S & N Silcott	Residence	White

All of the above are indisputably in Growth Tier 4 under the Sustainable Growth and Agricultural Preservation Act of 2012, otherwise colloquially known as the "Sewer Act." Tier 4 only permits minor subdivisions as described by the local subdivisions. It is clear under policy and regulations as described by Mr. Doak that a minor subdivision in Baltimore County is limited to three or fewer residential lots, regardless of the density attributed to a site under the applicable zone. The minor subdivision process differs from a major subdivision. The minor subdivision is exempt from several review steps and public input because of the limited density proposed and is usually an election made by the property owner/developer, unless otherwise required by other restrictions. But the County will not allow an avoidance of the lengthier major subdivision process by the property owner's sequential requests for minor subdivisions on a site where the total residential lots previously approved, or developed without required approval, and currently requested exceed three. If a re-subdivision of a minor subdivision means four or more lots on the site, the re-subdivision must be done as a major subdivision. The prior minor subdivision now comes into play for purposes of determining (i) density

calculation, (ii) development process and (iii) Growth Tier restrictions under the State Sewer Law. Mr. Doak explained that "creeping subdivision" has been prohibited in Baltimore County throughout his career. In other words, a property owner or developer cannot side track the major subdivision process by proceeding sequentially with minor subdivisions on the site.

A legitimate division of land into two or more lots must be done under the process in effect under the Baltimore County Code. It is undisputed this requirement was in effect in 1968, although selectively ignored, when all of the parcels described above were "created".

The title history performed by Mr. Doak, an undisputed expert in these matters, indicates the following:

A. Parcel 559 was illegally created by deed out of Parcel 258 in 1993.

B. Parcel 598 was legally created by minor subdivision out of Parcel 350 in 2004.

C. Parcel 606 was included as part of the 2000 minor subdivision tract.

D. Parcel 350 is the third lot created in the 2000 minor subdivision.

E. Parcel 258 was illegally created in its present form in 1993.

Based on these facts Mr. Doak describes the density is as follows:

A. Parcels 258 and 559 combined have a maximum three density units.

B. Parcel 559 is improved with one density, leaving two density units on Parcel 258.

C. Parcels 350, 606 and 598 have a maximum combined three density units.

D. Parcels 606 and 598 are improved with one density each, leaving one for parcel 350; parcel 350 is improved with two houses, and is "overdeveloped" by one residence, an illegal residential density.

Parcel 350 (Purple), Parcel 598 (Oakland Road – bottom of Exhibit 1) (White), Parcel 606 (Deer Park Road – top of Exhibit 1) (White)

These parcels are zoned R.C. 4. The zone came into effect November 25, 1979 as BCZR Section 1A03.1. Transcript (hereafter "T") 55-56. A "tract" less than 6 acres cannot be subdivided; density on a tract 6 acres or more is calculated at .2 per acre. Mr. Doak testified that on the operable date, Parcels 350 (including the land referred to later

as parcel 598) and parcel 606 were in common ownership by El Paso's predecessor in title. T.58-60. The total tract was 48 acres. T.58. Mr. Doak explained the density calculation as .2 x 48 or 9 density units. T. 59. It is significant to the issues here that in the R.C. 4 zone (as well as the R.C. 7 zone), density is calculated on a "tract" meaning all adjoining properties under common ownership. (This differs from the R.C. 2 zone where density is calculated on a "lot"). Other jurisdictions have discussed the term tract in land use matters. Leiser v. City of Eureka 59 S.W. 2d (2001) concluded that ". . . unity created by the ownership, control, or use of contiguous pieces of land may establish it as a "tract" as that term is used in the statute." Smith v. Clackamas County 836 P2d 716 (Ore 1992) affirmed a tract referred to "commonly owned property" of which the subject area was a part. As far back as 1932, in Holt v. Wichita County Water Improvement Dist 48 S.W. 2d 527, the Texas court defined a tract as any contiguous quantity of land under single ownership. The BCZR use of the word "tract" and not "lot" to determine density in the R.C. 4 zone is significant to the determination of the density on parcel 350 in light of the 2000 minor subdivision.

Moving along, Mr. Doak described the 2000 minor subdivision plat. Protestants' Exh. 1. It shows Lot 1 (parcel 598) as 5.19 acres, unimproved, and Lot 2 (parcel 350) containing 43.6 acres and improved with two houses. Lot 2 also included the 4.4 acres of parcel 606. T. 64-65. The math, in round numbers, verifies the areas shown on the plat because parcel 350 shown in purple on El Paso's site plan here contains the net 39.47 acres. As we know, the 4.4 acres was later transferred by a 2004 deed as parcel 606 to members of the owners' family who constructed a home and reside there to this day. The transfer was not approved as such under the subdivision process. Mr. Doak reviewed the deed and explained by this exchange at T. 77,

> " . . it was done my meets and bounds Deed, a survey and description and then just recorded.
>
> Chair: Was it included as part of a formal subdivision?
>
> Mr. Doak: It was not.
>
> Mr. McCann: Should it have been?

> Mr. Doak: It is confusing about how it first started and then got annexed back into the forty-eight [acres]. But, yes, it should have been, only because if nothing else, if nothing else, it was shown here on this minor subdivision and in turn, the policy of Baltimore County is if something is shown on a minor subdivision as such, and then it's conveyed, a portion of that minor subdivision is conveyed out, then there should have been an amendment to this minor subdivision for that to happen. And in turn if it would have been an amendment to that minor subdivision, then in turn, they would have counted that as the third lot, okay?"

Mr. Doak's conclusion is that out of the initial 9 density units on the 48 acres (48 acres x .2 = 9), three "lots" were created. He never wavered on cross-examination. For instance, in response to questioning about parcel 606 Mr. Doak emphasized he found no document in the Land Records that refers to parcel 606 and parcel 350 as separate parcels or lots. T.122. In response to the chair questioning ". . . in the . . . forty-eight acre conveyance . . . In the metes and bounds description of the land to be conveyed, does it differentiate at all between what we're now calling 350 and 606?" to which Mr. Doak replied "No, sir." T.124. The expert further elaborated he read every call and the metes and bounds reflects a single description that includes both the entire parcels 606 and 350. T.124. The only rational conclusion supported by evidence and expert testimony is parcels 606,350 and 598 constitute a single tract in the R.C. 4 zone under the 2000 Minor Subdivision Plan, and is limited to three density units. The undisputed build-out is four dwellings, exceeding the permitted density.

Parcel 259 (Teal), Parcel 559 (Oakland Road – bottom of Exhibit 1) (White),

These R.C. 4 parcels constitute a 42.06 acre tract. Mr. Doak performed a title analysis for this site as well. T. 95. There were eight density rights (.2 density per acre) when the site was acquired by El Paso's seller (Silcott) in 1982. T. 96. In 1993, Silcott sold 11.465 acres (parcel 559), again by deed conveyance and not under the required subdivision process. Parcel 559 could utilize two density units. Leaving six on what is now the teal parcel 258. T. 96. Mr. Doak also noted the R.C. 4 regulations were amended in 1992 to allow for clustering of residences in a 30% buildable area, and a mandatory 70% conservancy area. There is no evidence of a planned conservancy area set aside on the 42.06 site.T.97. Furthermore, there was no allocation of density in the 1993 deed

conveyance. T.99. Mr. Doak emphasized the conveyance should have been done through the minor subdivision process and the density allotted. T.98. As a result any further subdivision of parcel 258 must recapture parcel 559. The witness explains: "Mr. Doak: So, we've, we've got here six density rights, two density rights, okay? Illegal subdivision, which that plays a part in it, okay? So, then when you come in and you would want to further subdivide these properties, you would have, you would have to do it through the minor subdivision process, . . . And at that time, it's my belief that, that the County would require you to incorporate and show parcel 559 as a lot because it wasn't done through any process of Baltimore County. So, in turn they would require that to be shown at that time, okay? Chair: They would, they would include 599 [sic] as part of 258 is that what you're saying? Mr. Doak: They would include it as part of the minor subdivision. Chair: Right. . . . Mr. Doak: because this has already been conveyed off to somebody. Chair: Right. Mr. Doak: But they want to have it as part of a process and they want to know the, the allocation of density."

Mr. Doak further stated that under the minor subdivision process applicable here, the currently unimproved parcel 258 would have no more than two density units, including development under the clustering/conservancy provisions of the R.C. 4 zone. T. 102-104.

Minor Subdivisions and The Process

Mr. Doak aptly explained that throughout his 30 plus years as a surveyor, land consultant in Baltimore County, a minor subdivision consisted of 3 or less residential lots. Counsel for El Paso challenged references to this process despite wide acceptance of the three lot limit. Undoubtedly Counsel for El Paso has utilized the process for other clients and perhaps even applied it in his prior position as Zoning Commissioner, otherwise prior cases on other sites supporting El Paso's position would have been produced in this case. The expert Mr. Doak testified on cross examination that there are many references to the minor subdivision process, and subdivision is defined as the division or consolidation into two or more lots. T. 125. He provided references to the term in the checklist of requirements distributed by the zoning office for proposed

residential development, and also in the County agency review comments. T.117-119. On redirect, Mr. Doak confirmed the description of a minor subdivision as three residential lots in the Baltimore County Development Management Policy Manual. People's Counsel's Exh. 1. T. 155-156. On page 11 the Manual describes the "Procedure for Minor Subdivision" including the processing fees for a one-lot subdivision, a two-lot subdivision and a three-lot subdivision. Obviously the limit is three lots. El Paso provided not a scintilla of evidence that Baltimore County has ever permitted more than three lots. Remarkably, in an exchange on an objection, Mr. Schmidt stated he agreed that under Baltimore County practice a minor subdivision is a division of land into three lots or less. T.37. A further exchange indicates Mr. Wells maintains the same position: "Chair: Okay. You agree that under Baltimore County practice, a minor subdivision refers to a division into three lots or less. Mr. Wells: That's correct." T.37. Mr. Schmidt's further narrative on page 36 again reiterates he does not dispute Baltimore County views a minor subdivision is development of three lots or less. Incredulously, El Paso maintains countless years of unchallenged minor subdivision policy and regulation, and application in hundreds if not thousands of development cases is meaningless.

As further support for the three lot limit, Baltimore County prohibits what has been referred to as "creeping subdivision" discussed in a direct examination exchange on T. 104-105: "Mr. McCann: When you have a minor subdivision that utilizes all three lots, can you perform another minor subdivision of that area?" Mr. Schmidt objected but the Chair responded: "Chair: So, first, first of all, I think he answered that before as well. The answer is no, you can't. . . Mr. McCann: It's what's referred to as a creeping subdivision? Mr. Doak: Yes, sir, it is. Mr. McCann That's a term of art that's used in your business? Mr. Doak: It is." Mr. Doak's position was even strengthened on cross examination. Mr. Schmidt asked for authority that parcels conveyed by deed and not approved in the subdivision process would be included in any attempt for future subdivision. Mr. Doak knew of no specific regulation, "But I can tell you that if, when doing the devolution of title and doing the minor subdivision that would be done", . . . the "Office of Zoning would require me to show the density utilization and then, in turn, I would show that as a,

a utilization of it and they, in turn would want me to include that as a part of the minor subdivision showing that, okay?" Mr. Wells also agreed a three lot subdivision cannot be re-subdivided, that is further subdivided, under the minor subdivision process. T.46. This is further support for Baltimore County's description of a minor subdivision of three lots or less.

Nor did Mr. Doak retreat from his position when Counsel on cross attempted to assert the parcels conveyed by deed were legitimate as lots of record. Mr. Doak pointed out that in order to build on a parcel of ground in this area, all the requirements of Baltimore County must be met, including septic, well, setbacks. In the Chair's words, "capable of being improved". T.114. "Mr. Schmidt: . . . Does the description of the property in the Land Records have any bearing on whether a piece of ground is a lot of record or not? Mr. Doak: It does not. . . .If that was the case, then in turn your wouldn't have to go through Baltimore County to create lots, you would just, Mr. Wells and I would just go out and do some surveying and write descriptions and lawyers would record it." T.115. Mr. Doak's testimony is supported by Baltimore County Code 32-4-101 (z): "(z) *Lot of record.* "Lot of record" means a parcel of land: (1) With boundaries as shown on a plat prepared in accordance with an approved Development Plan and recorded in the land records of the county; and (2) Which is governed by the development and Baltimore County Zoning Regulations in effect on the date of the approval of the Development Plan." Moreover, BCC 32-4-108 (a) prohibits the conveyances resulting in parcels 559 and 606: "(a) *In general.* A person may not convey a lot, parcel, or tract of a subdivision unless a plat, if required, has been recorded in accordance with this title and the plat is effective at the time of the conveyance." El Paso's attempt to justify transfers under the definition of "lot of record" in BCZR is prohibited under BCZR 600.1 which requires compliance with any other law or ordinance which imposes greater restrictions than may be found in the zoning regulations, meaning the Baltimore County Code applies:

"600.1. - Interpretation of provisions.

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of buildings or land or on the height of buildings, or require larger yards, courts or other open spaces, or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restrictions shall not be affected by these regulations."

Growth IV and the State "Sewer Act"

If there may be density remaining, what is the relevance of title history, how the lots were created and an analysis of the conveyances? The answer is the third prong to determine density - the Maryland "State Sustainable Growth and Agricultural Preservation Act of 2012." It is referred to as the Sewer Law and was enacted as Senate Bill 236. The purpose is to assess and regulate " . . . the impact of major developments served by on-site sewage disposal systems, commonly known as septic systems, and their effects on pollution, land preservation, agri-business, and smart growth;" Preamble Senate Bill 236. It goes on to state: "WHEREAS, Planning for growth served by on-site sewage disposal systems and shared systems should be done through established planning processes such as the local comprehensive plan, the water and sewer plan, and subdivision plan approval." (emphasis added). Among other requirements to accomplish this growth limitation in locations not served by public water and sewer, the law mandates all local jurisdictions develop and apply a tier system to the relevant areas. It is undisputed the subject sites in this case are in a Tier IV class. "Within Tier IV, residential major subdivisions are prohibited." Implementation Guidance for The Sustainable Growth and Agricultural Preservation Act of 2012, MDP, August 1, 2012, p. 10. Minor subdivisions are permitted. Bill 236 defines minor subdivision, now codified in Md. Ann. Code Environment Article 9-206. (A) (6): "(6) Minor Subdivision means: (I) The subdivision of land: 1. Into new lots, plats, building sites, or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation: A. That is

in effect on or before January 1, 2012." Mr. Doak explained the minor subdivision process in Baltimore County before 2012 limits density to three or fewer residences.

His familiarity with the state law extends beyond his land consultant and surveyor practice. He explained he was ". . . involved in the committees and everything that was trying to determine how it would be applied in Baltimore County." T. 79. In fact Baltimore County government requested Mr. Doak's input because of the volume of subdivision work he did. In reviewing every subdivision in northern Baltimore County, including the subject sites, the witness explained he must consider, and has been bound by the tier it's in and "what my requirements or my restrictions are based on that, those laws." T. 79. Concomitantly, in reviewing the reduction in density on parcels 350 and 258, Mr. Doak explained: ". . . so you look at the density and you come up with the, the total density. . . . Under zoning and then in turn, under the tier, under the septic law, you look at what process you could utilize those density. . ." T. 81. Mr. Doak explained at length at T. 82-84, parcel 598 is one density, parcel 606, because it was conveyed out of parcel 350 by deed and not under an approved subdivision must be accounted for as a density unit on the tract, and parcel 350 would have one density but has two dwellings on the site. Although there were five density units under the zone, only three could be utilized under the growth tier IV septic law as a permitted minor subdivision. The second residence on parcel 350 is not an approved tenant house. And it cannot be approved as a fourth density unit because the proposed subdivision would then be a major subdivision under Baltimore County practice, and major subdivisions are prohibited in Growth Tier IV. Similarly, parcel 258 is limited to two densities since any further subdivision would include the illegally conveyed parcel 559 and counts for one density.

In an attempt to circumvent the Growth Tier IV restrictions and create density that is clearly not available, El Paso mischaracterizes and disregards the long standing minor subdivision process and policy which clearly falls within the statute's guidelines. Mr. Wells provided not a scintilla of evidence that challenges the three lot limit for a minor subdivision in Baltimore County. To our knowledge, no one has ever challenged the term "minor subdivision" or its limit of three residential lots. Nor is there any evidence before

this Board that the minor subdivision process in Baltimore County is illegal or ambiguous.

The Improvements and Residences on the Sites

Now let's look at how these residential lots are improved with dwellings to determine the density utilized. Parcel 598 consists of 5.2 acres and contains one dwelling known as 1710 Oakland. Parcel 606 consists of 4.414 acres and contains one dwelling known as 6226 Deer Park. Parcel 350 consists of 39.470 acres, is known as 6136 Deer Park but contains two dwellings. El Paso euphemistically refers to one of the dwellings as a "tenant house" but could offer no evidence that it has ever been approved as such. Mr. Doak disputed its qualification and described his long-time experience in representing many clients in this process.

BCZR 1A03.4B.5.a.b. requires the following:

> "5. Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 Zone, except that tenant dwellings may be approved if the Land Preservation Advisory Board certifies that:
>
> a. Any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and
> b. That any such dwelling, in the location proposed, will not interfere with the operation of the farm."

Mr. Doak provides extensive details on the process at T.73-75. To paraphrase, Mr. Doak would determine if the property operates as an agricultural use and requires a tenant on site seven days a week, 24 hours a day. If the answer is yes the next step is to take the case to the Baltimore County Agricultural Advisory Board. If the Board recommends approval, the Zoning Office reviews; if approved, the zoning office signs off on the applicant's form. The zoning office can deny the request. Mr. Doak says the process takes 2-4 months. Mr. Doak found no approval of a tenant house on parcel 350. Moreover, Mr. Wells, who testified for El Paso presented no evidence of approval. T.155.

Here there is no approval, no evidence of a farming operation, and no evidence of the use by a bona fide tenant farmer, although the burden of proof rests on El Paso to prove qualification. In fact, Mr. Vance Summerhill, a farmer who resided for many years

first adjacent and later in close proximity to the subject property, testified there was scant evidence of any farm animals, and only a couple of ponies for domestic use in the 1970's and none since then. T. 181. He said there were no crops nor farming operations before and after 1979. T.182. Under Silcott ownership, the barn was converted into two apartments and the misnamed "tenant house" was the residence of elderly parents of the owners. T.183. In response to the Chair's question, the witness stated Mr. Silcott built the tenant house "But, but it wasn't for like farm help."T.184.

Nor would the second dwelling qualify for an accessory "in-law" apartment as that use is now permitted in BCZR 400.4, enacted in 2011. Prior to that time such an accessory use was prohibited, as recognized by the CBA, In the Matter of Carol Reed, Case No.:11-081-SPHA, in which Ms. Murphy participated. The CBA unanimously denied an accessory apartment in a separate building for a mother where the site was also improved with a single family residence occupied by the mother's daughter and son-in-law. The CBA was not persuaded by Petitions for accessory apartments that may have been granted by the Zoning Commissioner but were not appealed to the CBA. "All of the cases cited by petitioners were cases decided by the Zoning Commissioners and were not appealed to the Board." Opinion p. 8. Instead the CBA cited three decisions in which the CBA or the Court of Special Appeals did not approve accessory apartments, holding the R.C. 4 and R.C. 5 zones limit density to one dwelling per lot. The CBA in Reed further relied on Kowalski v. Lamar, 25 Md. App. 493 that held any use not specifically provided for in BCZR is prohibited. Later the County Council enacted BCZR 400.4, permitting by special exception or formal permit process accessory apartments for family members. No such approval was ever applied for or granted here.

The Law

The Subdivision Process

"Subdivision" itself is a formal development process. BCZR Section 101.1 defines a subdivision as the division of land "... for the purpose, whether immediate or future, of building development for rental or sale." Baltimore County Code (BCC) Section 32-4-101(yy) (ii) states a subdivision is for "... the purpose, whether immediate or future, of

sale, rental, or building development." BCC 32-4-101 (p) (2) states "Development means: (2) The subdivision of property;"

The subdivision process existed in Baltimore County prior to Silcott's acquisition of parcel 350 in 1979, and parcel 258 in 1982. Baltimore County Code (1968) Article IV, Section 22-32 *et seq.* Section 22-53 defined "subdivision" as "The division of any tract or parcel of land . . . into two (2) or more lots, plots, or other divisions, of land for the purpose, whether immediate or future, of building development. . ."At that time, the planning board was authorized to approve or disapprove proposed subdivisions and to establish, subject to Council approval, the requirements for the subdivision process, including mandatory information on subdivision plats. If the size of the subdivision warranted an exemption from certain requirements, ". . . the planning board chairman, or its director, shall certify the exact exemption on the plat, deed or instrument to be filed with the clerk of the circuit court for recording. (Bill No. 80, 1960.)". In most cases, a plat was required to be filed and recorded for all subdivisions, even if some exemptions applied. The 1978 Code maintained the same definition in Article V Section 22-48. As shown, there is no evidence the subject sites proceeded under the required subdivision process now described in BCC 32-4-101 *et seq.*, as applicable, except in 2000, when parcel 598 was created. Prot. Exh # 1. All other transfers were done by deed, and the transferred parcels were improved with dwellings, clearly falling within the definition of subdivision.

El Paso's reliance on the recorded deeds as legitimate "lots" under BCZR 101 to bypass the subdivision requirements is a subterfuge of the illegality of these conveyances. Deed conveyances are no substitute for the subdivision process. As Judge Cathell noted in a land use merger case Remes v. Montgomery County, 387 Md. 52 (2005), "Title examiners regularly consider aspects of zoning when examining titles in order to be able to indicate to purchasers the uses that can be made of a property. Those uses have no effect on subdivision regulation. One must comply with *both* zoning and subdivision requirements." (emphasis in original).

The tracts here are also subject to the Sewer Law Growth Tier IV regulation. The State law recognizes and defers to each local jurisdiction's subdivision policies in effect on January 1, 2012. If there was no local policy, or the jurisdiction wanted to amend its existing practice, the State would permit a modification, within limits, on or before December 31, 2012:

"(6) "Minor subdivision" means:

(i) The subdivision of land:

1. Into new lots, plats, building sites, or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation:

A. That is in effect on or before January 1, 2012; or

B. Adopted on or before December 31, 2012, if a local jurisdiction chooses to create a definition or description applicable solely to this section or if a local ordinance or regulation does not define or describe a minor subdivision under item A of this item, provided that a minor subdivision defined or described in the adopted ordinance or regulation does not exceed seven new lots, plats, building sites, or other divisions of land; or

2. If a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 31, 2012, under item 1 of this item, into fewer than five new lots, plats, building sites, or other divisions of land; and

(ii) If the local ordinance or regulation has multiple definitions or descriptions of a minor subdivision under item (i) of this paragraph, the definition or description of a minor subdivision that is determined by the local jurisdiction to apply for the purposes of this section." Ann. MD. Code Environment 9-206 (a)(6).

It is undisputed Baltimore County made no changes to its minor subdivision limit before the deadline. Mr. Doak described how he applied the three lot limit to Growth Tier IV sites in his development cases since 2012. As a participant in the Baltimore County Committee to assess the impact of the state law on development, and in his practice as a land consultant, Mr. Doak explained Baltimore County has maintained the three lot minor subdivision restriction in the Growth Tier IV locations. This comports with long-standing practice and is in compliance with the State law. In Washington Suburban Sanitary Commission v. C.I. Mitchell and Best Co. 303 Md. 544, 559. (1985), a 1985 declaratory

action for statutory construction, the Court upheld a long-standing administrative interpretation that was not disturbed by subsequently enacted statutes.

> "This legislative acquiescence in the administrative construction gives rise to a presumption that the administrative interpretation is correct."

Mr. Wells did not refute Mr. Doak's testimony nor offer a probative opinion. In People's Counsel v. Beachwood 107 Md. App. 627, 650-651 (1995), cert. denied 342 Md. 472 (1996), the Court discussed the importance of the quality of the expert's testimony. Citing Mayor and Council of Rockville v. Henley, 268 Md. 469, 473-74 (1973) where the Court disregarded "naked declarations, unsubstantiated by facts. . ." as insufficient, the Beachwood Court held conclusory and even quasi-conclusory opinions are insufficient to overcome the burden of proof.

Nor did El Paso produce a County witness to contradict Mr. Doak's expertise or produce evidence of a change to the long-standing minor subdivision development in Baltimore County prior to December 31, 2012. To adopt El Paso's position is to hold Baltimore County in violation of the Sewer Law. El Paso's self-serving attempt to avoid the restriction in the Sewer Law is contrary to the long standing principles of statutory construction requiring interpretations that are in harmony with other laws and the statutory scheme.

> "When deciding a question of statutory construction, "[t]he cardinal rule ... is to ascertain and carry out the intention of the Legislature." *Marriott Emps. Fed. Credit Union v. Motor Vehicle Admin.*, 346 Md. 437, 444, 697 A.2d 455 (1997) (citation omitted). The first step is to analyze the words of the statute, affording them their ordinary meaning. *Lillian C. Blentlinger, LLC v. Cleanwater Linganore, Inc.*, 456 Md. 272, 294, 173 A.3d 549 (2017). We presume that the legislature "meant what it said and said what it meant[,]" so when statutory language is clear, we need not look past the statute. *Id.* (quotation marks and citation omitted). If it is ambiguous, we employ additional statutory interpretation tools such as "the meaning of words in light of the statute as a whole and within the context of the objectives and purposes of the enactment." *Marriott Emps.*, 346 Md. at 445, 697 A.2d 455. In resolving statutory ambiguity, we do not give effect to constructions that are "illogical, unreasonable, or inconsistent with common sense." *Cleanwater Linganore, Inc.*, 456 Md. at 295, 173 A.3d 549 (quotation marks and citation omitted).

We utilize the same principles to interpret local enactments as we do for state statutes. *F.D.R. Srour P'ship v. Montgomery Cty.*, 179 Md. App. 109, 122–23, 944 A.2d 1149 (2008) (citations omitted)."

Chief Judge Bell reaffirmed that Courts strive for harmony in the statutory scheme in Dept of Human Resources, Balto City v. Hayward and Dixon 426 Md. 638 (2012):

> "When we undertake to interpret a statute, we do not review it in a vacuum, "nor do we confine strictly our interpretation of [the] statute's plain language to the isolated section alone." . . . Instead, "we analyze the statutory scheme as a whole and attempt to harmonize provisions dealing with the same subject so that each may be given effect."

Similarly, Judge Adkins explained in Kaczorowski v. Baltimore, 309 Md. 505, 513 (1987):

> "Moreover, despite Kaczorowski's pleas that we examine the trees so closely that we do not see the forest, the plain-meaning rule does not force us to read legislative provisions in rote fashion and in isolation."

In obvious contrast to these long-settled legal principles, El Paso's strained and irrational position requires exactly what the Court of Appeals rejects – a rote and isolated reading of the minor subdivision process and its application under the State Sewer Law. El Paso denies this Board its function as an administrative decision-maker – the interpretation and application of zoning statutes. Yet El Paso has failed to provide any meaningful testimony or evidence to support its position, despite having the burden of proof.

Summary

The Table from page 3 is repeated here for easy reference:

Parcel #	Acreage	Address	Owner	Improvements	Color on Map
350	39.478	6136 Deer Park	El Paso Colby	2 Houses & Outbuildings	Purple
258	30.595	Deer Park	El Paso Colby	Unimproved	Teal
598	5.192	1710 Oakland	T & J Silcott	Residence	White
559	11.465	1724 Oakland	W & A Craig	Residence	White
606	4.414	6226 Deer Park	S & N Silcott	Residence	White

Mr. Doak provided compelling testimony relating to the density on the site based on expertise and credible experience. Moreover, as a committee member, his assessment of the analysis of the Sewer Law *vis a vis* Baltimore County's minor subdivision

development reinforces the County's application of the three lot limit and prohibition of "creeping development". El Paso failed to meet its burden while evidence to deny the density claimed by the property owner is more than sufficient to justify the following decision by this Board:

Parcel 258 (Teal) has two density units provided parcel 559 (white) has one for the existing dwelling.

Parcel 350 (Purple) has no density units remaining because parcels 606 (white) and 598 (white) each have one for the existing dwellings, leaving one density for parcel 350 under the 2000 Minor Subdivision Plan; parcel 350 is improved with two dwellings thus utilizing its one under the aforesaid 2000 Plan and containing an illegal dwelling.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

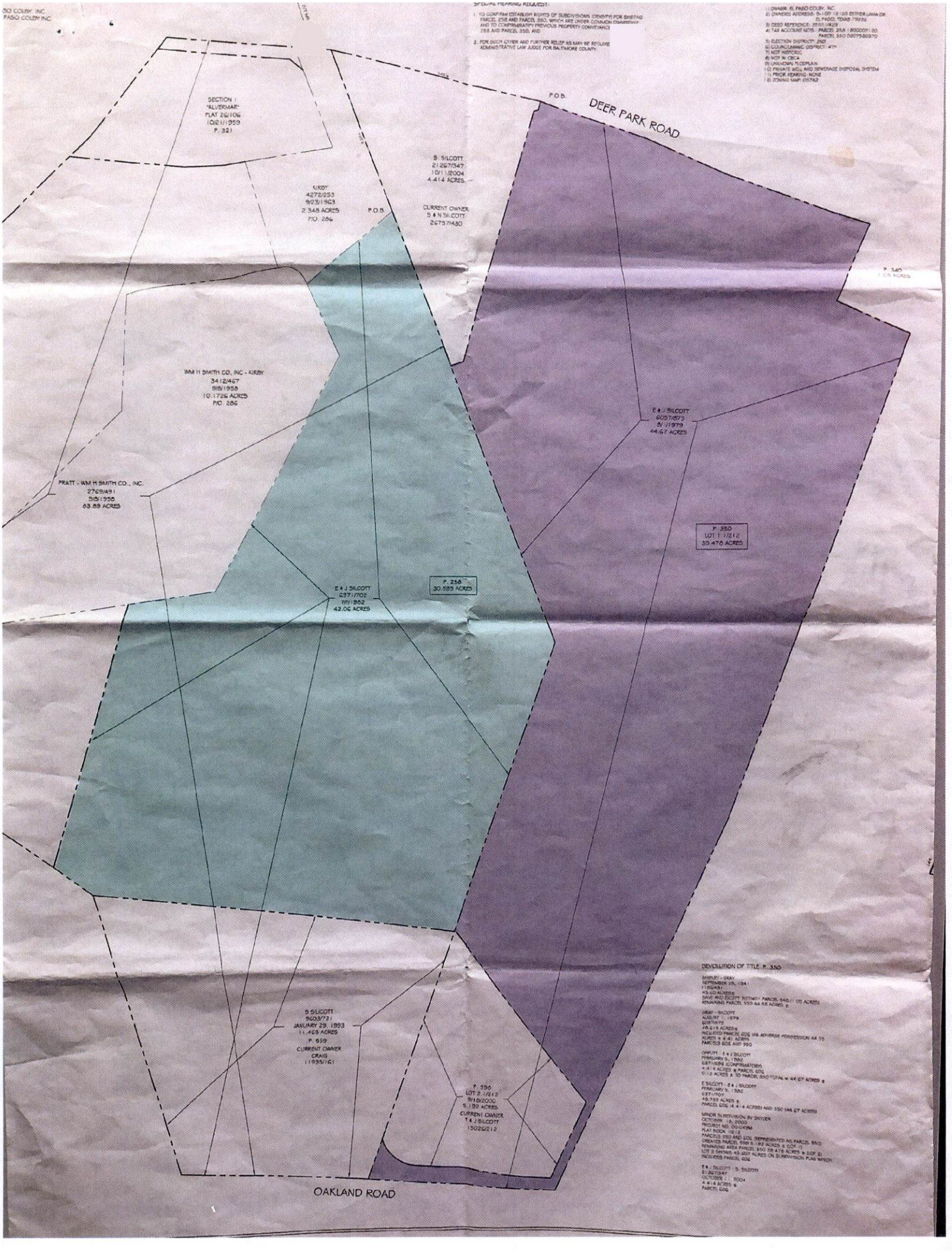
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 2019, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204 and Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
for Baltimore County


SPECIAL HEARING REQUEST:
1. TO CONFIRM/ESTABLISH RIGHTS OF SUBDIVISIONS (DENSITY) FOR EXISTING PARCEL 258 AND PARCEL 350, WHICH ARE UNDER COMMON OWNERSHIP AND TO CONFIRM/RATIFY PREVIOUS PROPERTY CONVEYANCE 258 AND PARCEL 350, AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
1) OWNER: EL PASO COLBY, INC.
2) OWNERS ADDRESS: 5-1-07 12105 ESTHER LAWN DR EL PASO, TEXAS 79936
3) DEED REFERENCE: 35100/0428
4) TAX ACCOUNT NOS.: PARCEL 258 (8000091) 80 PARCEL 350 (0617580970
5) ELECTION DISTRICT: 2ND
6) COUNCILMANIC DISTRICT: 4TH
7) NOT HISTORIC
8) NOT IN CBCA
9) UNKNOWN FLOODPLAIN
10) PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM
11) PRIOR HEARING: NONE
12) ZONING MAP: 057G2
50 COLBY, INC.
PASO COLBY INC.
SECTION 1
"ALVERMAR"
PLAT 26/106
10/21/1959
P. 321
KIRBY
4272/253
9/23/1963
2.348 ACRES
P/O. 286
P.O.B.
S. SILCOTT
21267/347
10/1/2004
4.414 ACRES
CURRENT OWNER
S & N SILCOTT
26757/430
P.O.B.
DEER PARK ROAD
P. 340
1.05 ACRES
WM H SMITH CO., INC - KIRBY
3412/467
9/8/1958
10.1726 ACRES
P/O. 286
PRATT - WM H SMITH CO., INC.
2769/491
9/8/1958
63.89 ACRES
E & J SILCOTT
6057/573
8/1/1979
44.67 ACRES
P. 350
LOT 1 1/212
39.476 ACRES
P. 258
30.585 ACRES
E & J SILCOTT
6371/702
7/9/1982
42.06 ACRES
S SILCOTT
9603/721
JANUARY 29, 1993
1.1.465 ACRES
P. 559
CURRENT OWNER
CRAIG
11935/161
P. 596
LOT 2 1/212
9/18/2000
5.199 ACRES
CURRENT OWNER
T & J SILCOTT
13026/212
OAKLAND ROAD
DEVOLUTION OF TITLE: P. 350
SHIPLEY - GRAY
SEPTEMBER 25, 1841
1/1924/61
45.40 ACRES ±
DAVE AND EDDY'S 2071401: PARCEL 540 (1.05 ACRES)
REMAINING PARCEL 350 44.65 ACRES ±
GRAY - SILCOTT
AUGUST 1, 1979
6057/573
45.4 ± 0.75 ACRES ±
INCLUDES PARCEL 606 VIA ADVERSE POSSESSION 44.15
ACRES ± 44.41 ACRES
PARCELS 606 AND 350
GRAY/H - E & J SILCOTT
FEBRUARY 9, 1982
6371/0624 (CONFIRMATION)
4.41 ± ACRES ± PARCEL 606
0.12 ACRES ± TO PARCEL 350 TOTAL ± 44.67 ACRES ±
E SILCOTT - E & J SILCOTT
FEBRUARY 9, 1982
6371/707
45.783 ACRES ±
PARCEL 606 (4.41 ± ACRES) AND 350 (44.67 ACRES)
MINOR SUBDIVISION BY SNYDER
OCTOBER 18, 2000
PROJECT NO. 2000-439M
PLAT BOOK 10/12
PARCELS 350 AND 606 (REPRESENTED AS PARCEL 596)
CREATES PARCEL 596 5.199 ACRES ± (LOT 2)
REMAINING AREA PARCEL 350 39.476 ACRES ± (LOT 1)
LOT 2 OWNS 45.401 ACRES ON SUBDIVISION PLAN WHICH
INCLUDES PARCEL 606
E & J SILCOTT - S. SILCOTT
21267/347
OCTOBER 1, 2004
4.414 ACRES ±
PARCEL 606

Michael R. McCann, P.A.
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Towson, Maryland 21204
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Facsimile: (410) 825-2149
michael@mmccannlaw.net

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BALTIMORE COUNTY
BOARD OF APPEALS

January 11, 2019

Via Hand-Delivery

Krysundra Cannington
Baltimore County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: Petitions for Special Hearing
6136 Deer Park Road
Case no. 2018-0155-SPH

Dear Ms. Cannington:

Enclosed for filing in this matter is an original and three (3) copies of Protestants' Post-Hearing Memorandum.

Thank you for your attention to this matter. Please contact me if you have any questions or concerns.

Best Regards,

Michael McCann

cc: counsel of record

IN RE: PETITION FOR HEARING OF EL PASO COLBY (6136 Deer Park Road)	*	BEFORE THE
	*	COUNTY
	*	BOARD OF APPEALS
	*	Case No: 2018-155-SPH
	*	
	*	
	*	

* * * * * * * * * * * *

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BALTIMORE COUNTY
BOARD OF APPEALS

POST-HEARING MEMORANDUM

Protestants, Rebecca and Willliam Conley and the Lakeview Folly Farms Community, submit this post-hearing memorandum.

ARGUMENT

A. The Testimony of Bruce Doak Fully Supports That There Is No Available Density On Parcels 350 And 258

Mr. Doak was accepted by the Board as an expert in in zoning, the zoning regulations, and subdivision process. He explained that, as part of his work as a consultant over the past 30 years, he regularly and often determines the density available for a parcel or group of parcels. (Transcript of Hearing ("T"), 54-56).

He undertook that task in this case for Parcels 350 and 258, and explained that the starting point always is to take a snapshot of the property(ies) at the time the applicable zoning regulations were adopted. Here, he used November 25, 1979 as the operative date because that is when the RC4 zoning regulations were adopted. (T. 55-56).

Parcel 350

Mr. Edward Silcott acquired roughly 48 acres in 1979, prior to the enactment that year of the RC4 regulations. The 48 acres he acquired comprised what are now Parcels 350, 606, and 598. [1] In 2000, Mr. Silcott obtained approval of a minor subdivision of these parcels, depicted in a minor subdivision *plat* recorded in Land Records as well as a minor subdivision *plan* approved by the County (Pet's Ex. 5 and Prots' Ex. 1, respectively). The subdivision plat and plan showed two lots. Lot 1 (now Parcel 598) was 5.19 acres and had no house at that time. Lot 2 (now comprising Parcels 350 and 606) was 43.60 acres and showed an existing two-story house, another two-story building, other outbuildings, and associated well and septic areas. The plat and plan also showed a one story house labelled "tenant house." And, most importantly, the area which now comprises Parcel 606 was included in the plat and plan. (*Id.*). In 2004, Mr. Silcott conveyed Parcel 606 to its current owner. As Mr. Doak explained, this conveyance was illegal. (T. 58-59, 64-65, 111, 153-154).

Mr. Doak considered this history in determining the available density on Parcel 350. He explained that, in 1979, Mr. Silcott's 48 acres yielded 9 density units (48 acres x .2 units per acre = 9 units). However, the 2000 subdivision had the effect of reducing the available density by three density units – one for the proposed house on Lot 1 (now Parcel 598), one for the existing house on Lot 2, and one for the "tenant house." With respect to the "tenant house," Mr. Doak explained that he has been through the process many times and the County would consider the "tenant house" as using a density unit unless the property owner obtained formal approval as a tenant house. (T. 68-69, 73-74). If such approval is not obtained, yet a tenant house is shown on a subdivision plat or on the property itself, the house is considered for

[1] Parcel 606 is not labelled as such. It is a 4.414 acre, triangular shaped parcel to the northwest of Parcel 350.

purposes of density. (T. 74-75, 135). There was no evidence at the hearing that the "tenant house" shown on the plat/plan went through this process and obtained County approval. *See* BCZR 1A03.4.B.5 ("Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 Zone, except that tenant dwellings may be approved if the Land Preservation Advisory Board certifies that: a. Any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and b. That any such dwelling, in the location proposed, will not interfere with the operation of the farm.").

Mr. Doak further explained that the available density was reduced to five units as a result of Mr. Silcott's conveyance of Parcel 606, in 2004, to its current owner. He explained that Parcel 606 should have been shown on the 2000 minor subdivision plat or that plat should have been amended to show Parcel 606 as a third lot. Mr. Silcott's conveyance of Parcel 606 without going through this process was illegal. (T. 75-78, 82-84).

Finally, Mr. Doak took into consideration the passage of the Septics Law in 2012.[2] The effect of the Septics Law is that Mr. Silcott may utilize only three of the remaining five density rights. (T. 81-82). Mr. Doak explained, however, that because three density rights have already been utilized, **there are no remaining density rights on Parcel 350**. In fact, there is a house now on all three of the parcels comprising the original 48 acres (one on Parcel 598, one on Parcel 350, and one on Parcel 606). (T. 83-84). Moreover, there are two street addresses associated with Parcel 350 (6136 and 6140 Deer Park Road) and a street address for Parcel 606 (6226 Deer Park Road).

[2] Mr. Doak was selected, along with other professionals, to participate in committees created by the County to provide input on the implementation of the Septics Law. (T. 79, 107-08). One of the items discussed was whether the County should change the definition of minor subdivision or leave it in place. (T. 107). The definition was not changed.

Parcel 258

Mr. Doak performed a similar analysis for Parcel 258. (T. 95-103, 111, 154). He testified that, in 1979, this parcel was part of a larger 67 acres. In 1982, Mr. Silcott acquired 42.6 acres (now comprising Parcel 258 and Parcel 559). At that time, there were eight available density rights (42.6 acres x .2 density units = 8 units). However, in 1993, Mr. Silcott sold Parcel 559 (11.46 acres) without going through the subdivision process. Mr. Doak explained that this conveyance was illegal and resulted in the loss of at least one density unit. (T. 96-98, 100-01, 144, 154). Mr. Doak then considered the application of the Septics Law, which would allow only a minor subdivision of Parcel 258. Reducing the three permitted lots by the illegal subdivision of Parcel 559 would allow, **at most, only two units available for Parcel 258**. (T. 101-03).[3]

B. Petitioner Failed To Meet Its Burden To Demonstrate The Available Density On Parcels 258 And 350; Its Sundry Arguments, In Any Event, Are Meritless

At the hearing, Mr. Schmidt did not articulate any theory as to how much density he posited were available on Parcels 258 and 350. His questioning of Mr. Wells was extremely brief and his questioning of Mr. Doak was opaque and meandering. Protestants and this Board are left to guess as to what exactly Petitioner is arguing in this case. This is problematic not only because Petitioner bore the burden of proof, as petitioners do in all cases, but particularly so because of the nature of the petition for special hearing that was filed. The petition asks this Board to confirm/establish rights of subdivision (density) in Parcel 258 and 350, yet we have no idea what it is that Petitioner would like the Court confirm or establish. While this litigation strategy (if that is what it was) that

[3] Mr. Doak explained that had Parcel 559 gone through the subdivision process, the County would require showing the utilization of density for that parcel and Mr. Silcott would have had the opportunity to stipulate on the plat only one density unit was allotted to Parcel 559, but that did not happen. In the absence of such a stipulation, two density units, not one, could be attributed to Parcel 559. (T. 97-101, 142).

may be appropriate in some circumstances, it was not legally sufficient to sustain Petitioner's burden of proof in this case. Nevertheless, the arguments that can be gleaned by Mr. Schmidt's questioning of the witnesses are meritless.

Parcel 606 Is Not A Lot Of Record

Petitioner argues that Parcel 606 is a "lot of record," assumedly for the purpose of establishing that the parcel can be further subdivided. The theory, apparently, is that Parcel 606 is a lot of record because the February 5, 1982 deed (described by Mr. Wells as a "confirmatory deed") shows that Parcel 606 was acquired by Mr. Silcott's predecessor, Mr. Gray, through adverse possession. (T. 171-75). If it was acquired by adverse possession, the story goes, then it was a separate lot as of 1979 and can be further subdivided.

There is no direct evidence to support this theory. The February 5, 1982 deed does not itself mention adverse possession.[4] And if there were such a case (title by adverse possession may only be effectuated by a court order), where are the pleadings or other documents to support this assertion? Moreover, Petitioner's theory does not account for the simple fact that, in the operative deed (the 1979 deed at 6057/879) Parcel 606 was not described as a separate lot but rather as part of the whole 48.6 acres. The 1982 deed, itself, provides proof that Parcel 606 was part of the 1979 conveyance. *See* Liber 6371 at Folio 697 ("said Deed included that portion of land omitted in the aforesaid Deed from Milton W. Offut to Ann Margaret Yox" and "Said parcel of land also included in the aforesaid Deed from the Said Jeannie B. Gray to Edward N. Silcott et al....). ((Pet's Ex. 3 at Tab 3).[5]

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[4] Mr. Wells acknowledged that this argument is based exclusively on the deeds themselves. No independent evidence was introduced to support his theory. (T. 175).

[5] A "lot of record" is defined in the Zoning Regulations as "[a] parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof."). As of 1979 there is deed or other document in Land Records describing Parcel 606 as a separate lot. Mr. Doak further explained that, under County practice, a parcel that exists as of the

In any event, Petitioner's argument goes nowhere. Even if Parcel 606 was a separate lot in 1979, then it should have been shown on the 2000 minor subdivision plat. The effect of this failure, discussed above, was that the conveyance of Parcel 606 in 2004 was illegal. However, even if Parcel 606 was shown on the minor subdivision plat, the effect would still be the same, that is, that a density unit would be attributable to that parcel/lot and, in combination with Lots 1 and 2 in that minor subdivision plat, there would be no available density. All three units would be taken.

What is a minor subdivision?

At the hearing, Mr. Schmidt repeatedly suggested, vaguely, that a minor subdivision is not a subdivision with three or fewer lots. To be accurate, he agreed that, under the County's administrative practice, a minor subdivision is one with three or fewer lots, but posited that that is not accurate as a matter of law. (T. 35, 37). He offered no proof to support this remarkable theory and did not indicate how this point affected the density available on Parcels 258 and 350.

There was contrary proof. Mr. Doak testified, based on his vast experience, that a minor subdivision is three lots or less. (T. 104). The County's Development Policy Manual confirms this. (*See* Policy Manual at p. 6 ("A minor development ... not to exceed three lots"), p. 11 (identifying processing fees for one, two and three-lot minor subdivisions).

The "Tenant House"

Mr. Schmidt suggested that the "tenant house" shown on the minor subdivision plat was, in fact, approved by the County or at least has the imprimatur of approval because the SDAT printout for Parcel 350 states that the "use" is "agricultural" and there is "no" principal residence

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date of the zoning regulations (1979) does not become a lot of record until it meets County requirements and is capable of being approved and built upon. (T. 114-15).

on the lot. (Pet's Ex. 6 at Tab 2). This is innuendo, not evidence. If the structure was approved as a "tenant house," then surely Petitioner could have easily produced evidence of that. None was offered. There is evidence to the contrary, namely Protestants' Ex. 2 (memorandum from Mr. Moxley retrieved by Protestants from the file in the 2000 minor subdivision case) and the testimony of Mr. Summerhill, who lived on an adjoining property for decades, that there was no farming on the property and that the tenant house was used by Mr. Silcott's in-laws as a residence. (T. 181-84).

CONCLUSION

Parcel 350 has no available density and Parcel 258 has, at most, two available density units. This conclusion is compelled by the expert testimony of Mr. Doak and undisputed evidence. Petitioner's arguments to the contrary are based on innuendo and supposition, rather than expert testimony or evidence.

Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on 11th of January, 2019 a copy of the foregoing Post-Hearing Memorandum was mailed, via first-class mail, postage prepaid to:

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, Maryland 21204

Office of People's Counsel
Carole Demilio
105 W. Chesapeake Avenue
Towson, MD 21204

Michael R. McCann

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
	*	BOARD OF APPEALS
6136 Deer Park Road	*	FOR
2nd Election District 4th Councilmanic District	*	BALTIMORE COUNTY
	*	
El Paso Colby, LLC *Legal Owner*	*	**Case No.: 2018-0155-SPH**

RECEIVED
JAN 11 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* *

PETITIONERS' POST HEARING MEMORANDUM

The property owner, El Paso Colby, LLC, ("Petitioner"), by Lawrence E. Schmidt, Esquire, their attorney, submits this Post Hearing Memorandum in support of the petition for zoning hearing for the above referenced matter.

I. Procedural History

This matter comes before the County Board of Appeals (the "Board") as a *de novo* appeal of Administrative Law Judge ("ALJ") John Beverungen's final decision.[1]

A public hearing was held before the ALJ on Thursday, January 25, 2018. The ALJ issued a decision dated February 9, 2018. Petitioner filed a Motion for Reconsideration in compliance with Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County. ALJ Beverungen denied the Petitioner's Motion for Reconsideration in an Opinion and Order on Motion for Reconsideration dated March 2, 2018.

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[1] The final decision in this matter was the ALJ's Opinion and Order on Motion for Reconsideration. As provided in Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, a ruling on a motion for reconsideration shall be considered the final decision in accordance with Section 26-209 or 26-132 of the Baltimore County Code ("BCC"). The 1988 Code sections of BCC §§ 26-209 and 26-132 have parallel references to the current or 2003 Code sections, BCC §§ 32-1-101, 32-4-281 and 32-1-101, 32-3-401, 32-3-517, respectively.

On March 12, 2018, Petitioner filed an appeal of the Opinion and Order on Motion for Reconsideration as well as the Opinion and Order dated February 9, 2018. The Board of Appeals issued a Notice of Assignment assigning the hearing on May 23, 2018. A postponement was requested and the Board of Appeals issued a Notice of Postponement and Reassignment reassigning the hearing on July 10, 2018. Another postponement was requested and a Notice of Postponement was issued. Subsequently, a Notice of Reassignment was issued reassigning the Board of Appeals hearing for two dates, October 31, 2018 and November 8, 2018. An evidentiary hearing before the Board was held on Thursday, November 8, 2018.

II. Statement of the Case

Petitioner, El Paso Colby, LLC, is a Maryland Limited Liability Company. Its managing member and principle is Luis Lara, Sr. Mr. Lara is a longtime business associate and friend of the previous owner of the property, Edward Silcott. When Mr. Silcott experienced financial difficulties which threatened his continued ownership of the subject property on which his home is located, Mr. Lara agreed to purchase the property and allow Mr. Silcott to remain at his residence. Mr. Lara is not a developer and is now marketing the property because Mr. Silcott is elderly and is relocating to better manage his care. Petitioner acquired two adjoining parcels in the Reisterstown area of Baltimore County in 2014. It would like to sell the properties but, before it does so, wants to know whether the respective parcels are eligible for further subdivision.[2]

[2] Section 101.1 of the Baltimore County Zoning Regulations ("BCZR") defines subdivision as "[t]he division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building

For this reason, the instant petition for zoning hearing seeking special hearing[3] relief was filed, as opposed to a Development Plan proposing a residential subdivision with past, current and future uses being laid out. Thus, no specific development/subdivision of either property is being proposed. The Petitioner only seeks a determination of what it can market and sell.

Both of the subject parcels, Parcel 258 and Parcel 350, are zoned RC 4. It is uncontroverted that Parcels 258 and 350 are separate lots of record[4] as of November 25, 1979, the date that Bill No. 178-79, which created the RC 4 regulations, took effect. Both experts in the case testified that a devolution of title from the effective date of the zoning regulations which govern the property is necessary. T. 11/8/18 pgs. 16 & 54.

There is however a debate as to how, if at all, certain alterations to the acreage of both lots of record since 1979, by subdivision(s) and conveyances without any discernable subdivision, and the Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236) affect the development rights of same. The Petition does not seek to

---

development for rental or sale, and including all changes in street or lot lines; provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes." BCC § 32-4-101 (yy) provides that subdivision "means:
(1) The division of property into two or more lots; or
(2) The combination of lots, parcels, tracts, or other units of property previously divided for the purpose, whether immediate or future, of sale, rental, or building development."

[3] The Maryland Court of Special Appeals has held that a "request for special hearing is, in legal effect, a request for declaratory judgment." *Antwerpen v. Balto. Co.*, 163 Md. App. 194, 209 (2005).

[4] BCZR § 101.1 defines the term lot of record as "a parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulations which governs the use, subdivision or other condition thereof." BCC § 32-4-101(z) defines the term lot of record as "a parcel of land:
(1) With boundaries as shown on a plat prepared in accordance with an approved Development Plan and recorded in the land records of the county; and
(2) Which is governed by the development and Baltimore County Zoning Regulations in effect on the date of the approval of the Development Plan."
Thus, under both definitions, the rights of subdivision and development potential of the two lots at issue is to be determined separately.

confirm anything about the existing improvements and/or the use of same on Parcels 258 and 350, only the alterations to the acreage of the parcels since 1979 and the permissible density absent any improvements and/or uses thereon.

III. Questions Presented

The Petitioner is seeking special hearing relief to confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350 and for such other and further relief as may be required.

The Board is to review the request for special hearing relief *de novo*.[5] The Petitioner is only asking that the Board determine the maximum density permitted for the two RC 4 zoned lots of record under BCZR § 1A03. No delineation of proposed lots or a use has been specified on the plan to accompany the petition for zoning hearing, nor has a Development Plan been submitted, so subdivision approval is not being sought. Past, present and future uses, none of which are set in stone, do not factor into the Board's determination of the subdivision rights of Parcels 258 and 350. A buyer may well chose to raze all existing improvements and effectively "start from scratch".

[5] Section 603 of the Charter of Baltimore County, Maryland ("Charter") provides in pertinent part that "[a]ll hearings held by the [Board of Appeals] shall be heard de novo, unless otherwise provided by legislative act of the County Council". The right to appeal the ALJ's decision is provided in BCC § 32-3-401 and BCZR § 500.10. Neither section of the BCC or BCZR provides that a standard of review other than the de novo standard should be applied. In addition, BCZR § 501.6 expressly provides that "[a]ppeals from the Zoning Commissioner shall be heard by the Board of Zoning Appeals de novo." Thus the ALJ's findings and conclusions are not entitled to deference. *Mayer v. Montgomery County*, 143 Md. App. 261 (2002).

Rather, the only issue for the Board's consideration is the maximum density permitted for Parcels 258 and 350.[6]

IV. Argument

In order to determine the permissible density and/or subdivision rights of the two separate parcels, a review of the applicable County regulations and the Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236) (hereinafter referred to as the "Act") is necessary.

Parcels 258 and 350 became lots of record in 1979 because they each had defined boundaries which were recorded in the land records of Baltimore County when the RC 4 regulations went into effect. Parcel 258 was 42.06 acres as of 1979. Parcel 350 was 44.55 +/- acres as of 1979. The currently applicable RC 4 regulations apply to any analysis regarding the available density of the respective parcels.[7]

Provided there is only one dwelling unit on each lot, the density limitations established for the RC4 zone permit Parcels 258 and 350 to be subdivided as follows. Parcel 258 can be developed with as many as six additional lots, depending upon which

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[6] The reason why the ALJ did not limit his scope of review to this finite issue is based in part upon the fact that the parties were unable to present all of their testimony and make closing arguments. This is based in large part upon the fact that the hearing was scheduled for one hour only. As noted in the ALJ's January 25, 2018 decision, when the allotted hour was up, "the community requested a continuance so that another hearing date could be scheduled at which they could express their concerns. That request was granted, although after examining the exhibits [the ALJ found that he believed the case could] be resolved without further testimony since the dispositive issues are questions of law." Thus, The ALJ issued his decision without the benefit of the parties having been able to make their full evidentiary presentations, offer rebuttal evidence or make closing argument.

[7] BCC § 32-4-104(b) provides that "[p]roposed development shall be in compliance with the present zoning classification on the property to be developed." Similarly, BCC § 32-4-262(2) provides that any amendment to a residential development plan "that results in an increase in density or increase in the number of buildable lots is a material amendment" "shall be reviewed for compliance with all current law."

of the two types of residential development permitted in the RC 4 zone is proposed. Parcel 350 is allowed to be developed for up to seven additional lots. (See BCZR § 1A03). These limitations are further impacted however by the application of The Sustainable Growth and Agricultural Preservation Act of 2012, which will be discussed, hereinafter.

A. County Regulations' Limitations on Density

It is uncontroverted that the contemplated use for both Parcels 258 and 350, single-family detached dwellings, is a use permitted by right in the RC 4 zone.[8] The Board must apply the current zoning regulations to its determination regarding the available density.

There are two means by which an RC 4 tract can be subdivided under the current regulations; as a rural cluster development[9], BCZR § 1A03.4.B.1.b, or as an optional development, BCZR § 1A03.6. In order to utilize either methodology, the tract to be developed must have a gross area of more than 10 acres. The maximum density allowed for a rural cluster development is 0.2 lots per acre. The maximum density allowed for an optional development is 0.1 lots per acre. For a rural cluster development, a minimum of 70% of the tract must be designated as the conservancy area, which can contain only one dwelling unit, and is subject to a permanent preservation easement prior to final approval of any record plat. BCZR §§ 1A03.4.B.1.b(1) & 1A03.5.D. All of the remaining density has to be located on lots with a

[8] BCZR § 1A03.3.A.1 permits "Dwellings, one-family detached" as a matter of right.

[9] BCZR § defines rural cluster development as "[a] form of residential subdivision for use in an R.C.4 Zone in which the permitted density for an entire tract is located only on a designated portion of the tract in order to preserve significant natural, scenic or historic features."

minimum lot size of one acre. BCZR § 1A03.4.B.1.b(2). Only the conservancy area lot would be subject to a permanent preservation easement for a rural cluster development. If developed as an optional development, while the minimum lot size is one acre for each lot, all of the lots are subject to a permanent preservation easement. Additionally, a diagrammatic conservancy area which is equal to 70% of the gross tract acreage must be factored into any optional development. (See BCZR §§ 1A03.6(B) and (E) as to the specific requirements.)

Given their respective changes since 1979, and that the lots are each separate lots of record, it makes sense to analyze Parcels 258 and 350 separately.

Parcel 258

The acreage of Parcel 258 was 42.06 acres in 1979. Petitioner's predecessor in title, Mr. Silcott, acquired the 42.06 acre lot of record in 1982. He conveyed an 11.46 acre parcel from the tract in 1993, which is now owned by William and Amy Craig. That parcel, identified as Parcel 559 (1724 Oakland Road), is improved with a 2,896 square foot dwelling, which according to SDAT, was constructed in 1993.[10] Thus, the current acreage of Parcel 258 is 30.595 acres.

The density permitted for the remaining 30.595 acres is reduced by one density unit on account of the conveyance of Parcel 559. It is not entirely clear whether the County issued a subdivision approval or building permit for Parcel 559 in 1993. No subdivision approval whereby Parcel 559 was subdivided off from Parcel 258 could be found. Unfortunately, the County only retains building permits for three years so there

[10] Petitioner's Exhibit No. 6.

is no way of confirming that a building permit was issued or not. T. 11/8/18 p. 47. Nevertheless, testimony from Mr. Wells and Mr. Doak made it clear that a building permit was most likely issued for the erection of the dwelling on Parcel 559 in 1993 since SDAT lists the date that the improvements were erected. T. 11/8/18 pgs. 33, 44, 47 & 140.

Assuming Parcel 559 was conveyed by deed only, there is very little the County can do at this point to compel the current owners to go through the subdivision process 25 years after the fact. This is not an alleged violation case brought by Code Enforcement. Even if the County Code Official, the County representative tasked with bringing properties into compliance with County regulations[11], sought to compel the current owner of Parcel 258 (and the current owner of Parcel 559, for that matter) to go through the subdivision process at this juncture the defense of laches precludes this from happening. To invoke the defense of laches successfully, the owners of Parcels 258 and 559 need to show both "an undue lapse of time" and "some disadvantage or prejudice[.]" First, an undue lapse of time is demonstrated by the fact that the deed creating Parcel 559 was recorded, building permits were most likely issued and the primary structure was built 25 years ago without so much as a single complaint being made since then. Second, there would be prejudice because neither the current owner of Parcel 258 nor the current owner of Parcel 559 were the parties to the 1993 conveyance. As a result, both would be at a disadvantage because the County presumably issued the prior owner of Parcel 559 a building permit to erect the existing

[11] BCC § 3-6-101, et seq.

structure 25 years ago or at least nobody bothered to take exception to the creation of the lot and erection of the structure over that period of time. Nevertheless, the conveyance of Parcel 559 should constitute one density lot which is to be deducted from the permissible density for the remaining 30.595 acres of Parcel 258.

For purposes of calculating the maximum density under the current RC 4 regulations, subdividing the remaining tract, which is 30.595 acres, as a rural cluster development, under BCZR § 1A03.4.B.1.b, could yield as many as six lots (0.2 lots per acre x 30.595 acres = 6.119 lots). Originally, the 42.06 acre lot that was Parcel 258 in 1979 could have yielded eight lots under the RC 4 rural cluster subdivision regulations. However, two density units are properly deducted from this total by the conveyance of Parcel 559 (11.46 acres). One of the lots would have to include the 70% conservancy area of the existing 30.595 acre tract, or 21.4165 acres.

Alternatively, if a subdivision of Parcel 258 utilizing the optional development provisions in BCZR § 1A03.6 was proposed, a diagrammatic conservancy parcel constituting 70% of the remaining 30.595 acre tract needs to be provided. While each lot need only have a minimum lot size of one acre, the layout of the lots must somehow contribute towards the diagrammatic conservancy parcel constituting 70% of the tract. BCZR § 1A03.6.A. The optional development regulations allow for a maximum gross density of 0.1 lots per acre. Therefore, there would be density available to convert remaining Parcel 258 into three lots (0.1 x 30.595 acres = 3.05) that could be developed with single-family detached dwellings which would be required to provide a diagrammatic conservancy area of 21.4165 acres. BCZR § 1A03.6.B. Again, in

calculating the density available in 1979 under the optional development provisions, it is to be noted that Parcel 258 was 42.06 acres at that time. Thus, the density available was four lots (0.1 x 42.06 = 4.206) and one density unit needs to be deducted to account for the conveyance/creation of Parcel 559.

Thus, notwithstanding restrictions under the Act, Parcel 258 currently has the potential to be subdivided into five or two additional lots based upon the density applicable to rural cluster developments and optional developments, respectively.

Parcel 350

Prior to Mr. Silcott's acquisition of the property in 1979, Parcel 350 was 44.55 +/- acres as then described in the Land Records. Parcel 350 was a separate lot of record at that time. Mr. Silcott's predecessor in title (Gray), owned not only Parcel 350 but also Parcel 606 which had originally been acquired through adverse possession. Parcel 606 was 4.4 +/- acres. Grey conveyed both Parcel 350 and Parcel 606 to Silcott under a single deed. This deed described the total acreage conveyed to Silcott as encompassing 48.96 acres.[12] Later, however, a confirmatory deed dated February 5, 1982, Liber 6371 Page 696, was recorded to reiterate that Parcel 606 was its own parcel of land with boundaries which were recorded in the land records of Baltimore County and similarly that Parcel 350 was a separate lot of record.

Preliminarily, there appears to be a question about whether Parcel 606 was part of the Parcel 350 lot of record. It was not. This is because, as noted above, Parcel 606

[12] The slight difference in the acreages described in the various deeds is apparently due to lands included in a savings and excepting clause and minor deviations in the surveys performed at the time of these transactions.

and Parcel 350 were separately described in the Land Records prior to Silcott's' acquisition in 1979 as was ratified by the Confirmatory Deed in 1982. Mr. Wells testified that it was his opinion as an expert in surveying that Parcel 606 was acquired by adverse possession and was a separate lot of record from Parcel 350 in 1979. T. 11/8/18 p. 170-73.

There have been two out conveyances from Parcel 350 since 1979. In 2000, a 5.1919 acre tract, Parcel 598 (1710 Oakland Road), was subdivided off of the Parcel 350 lot of record. This was the 2000 subdivision plan prepared by surveyor Snyder. Note No. 1 of the 2000 subdivision plan[13], wherein Parcel 598 was subdivided off of the Parcel 350 lot of record, provides that what was being subdivided was Parcel 4 as described in Liber 6371 Folio 707[14]. A second conveyance was made on October 11, 2004. At that time, Parcel 606 was conveyed to Mr. Silcott's son, Steven Silcott. This conveyance of Parcel 606 included the 4.4 acres of land as Parcel 6 has historically been described. Thus, the current acreage of Parcel 350 is 39.47 +/- acres.

Having already been processed as a rural cluster development, Parcel 350 can no longer be processed as an optional development. Note No. 6 on the plan notes that the density permitted for the then 48.7976 acre[15] property was 9 lots ((.02 x 48.7976 acres = 9.3 units)). However, only two lots were proposed as part of this subdivision (Note No. 7). That density calculation utilized the rural cluster development provisions an

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[13] Petitioner's Exhibit No. 5.

[14] Petitioner's Exhibit No. 3.

[15] Liber 6371 Folio 707 describes Parcel 4 as "48.6187 acres of land, more or less, together with the right to the use in common with others entitled thereto of a right of way to Oakland Road", not 49.7976 acres as noted on the subdivision plan. This acreage erroneously includes the acreage of Parcel 606.

acknowledged that the tract could be further developed at a later date. A note on the plan entitled Conservancy Notes (in the bottom left hand corner of the Development Plan) indicates, among other things, that "[w]hen a plan with full density is proposed, a permanent preservation easement on the conservancy area shall be recorded among the land records of Baltimore County prior to final approval of a plan." This note is consistent with BCZR § 1A03.5.E, which provides:

> In the case of a tract more than 20 acres in size which is to be subdivided into three or fewer lots, a conservancy area shall be shown on the minor subdivision plan and recorded in the land records of Baltimore County. A permanent preservation easement as described in Section 1A03.5D shall be granted if further subdivision subjects the tract to the development plan review process of Article 32 of the Baltimore County Code.

Protestants expert, Mr. Doak, testified that the County has a policy that a permanent preservation easement on the conservancy area does not need to be recorded until maximum utilization of density has been reached. T. 11/8/18 p. 88; T. 11/8/18 p. 151-52. Note No. 20 on the Development Plan further provides that "additional subdivision of these parcels and/or lots may require SWM controls for this site and the additional subdivision." Clearly, the intent was for the remainder of the Parcel 350 lot of record to be further subdivided. The density available is clearly up to seven additional lots.

An issue which does not pertain to the relief requested has inexplicably arisen through the course these proceedings. There is a contention that the existing improvements somehow affect the Board's determination of the density permitted. Specifically, the Protestants argue about the significance of the alleged "tenant house" and other structures. These improvements are not relevant. In fact, the ALJ's analysis

of the existing structures and uses was inconsistent with prior holdings he has issued for requests for special hearing relief. In Case No. 2016-0170-SPH, the Petitioner sought special hearing relief to build an addition onto an alleged residence. The Protestants contended that the past, present and future use of the existing structure, and correspondingly the proposed addition thereto, was something other than residential and would necessitate additional zoning relief. In that case, the ALJ stated that his purview is to reach a determination regarding the questions presented in the petition, not to examine alleged violations which are squarely within the jurisdiction of Code Enforcement. See Order on Motion for Reconsideration in Case No. 2016-0170-SPH attached hereto as Appendix 1. As previously mentioned, the request for special hearing relief does not request that the Board analyze the use of the existing improvements on the tract. The request to analyze density is asking that the Board analyze the density available as if those structures would be razed and the unimproved property redeveloped. The relief and issues to be determined is that requested by Petitioner and nothing more.

B. The Act's Limitation on Density

The Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236) (hereinafter the "Act")[16] repealed and reenacted certain provisions of Maryland law. These provisions are codified in MD Code Annotated, Environmental Article, § 9-206. § 9-1110, and certain provisions of the then existing Land Use Article. It is clear that the

[16] The goal of the Act is to limit the disproportionate impacts of larger subdivisions on septic systems on our farm or forest land, stream, rivers and Chesapeake and Coastal Bays.

Act does not apply retroactively and therefore does not impact any subdivision of land that occurred prior to the adoption of the Act. The Act clearly states that it takes effect on July 1, 2012. Moreover, language throughout the Act indicate that certain provisions thereof will take effect after the Act's adoption. For example, the definition of "major subdivision" (MD Code Annotated, Environmental Article, § 9-206(A)(5) clearly states that such subdivisions include those "that is in effect on or before January 1, 2012". Similar language throughout the Act evidence the legislative intent that the Act is to be applied prospectively. Therefore, it's limitations on subdivisions apply to subdivisions after its effective date, July 1, 2012. Therefore, any subdivision or conveyance of a parcel from the subject properties that occurred prior to July 1, 2012 is exempt from its provisions. It is anticipated that People's Counsel and the Protestants will allege that previously conveyed properties which were not approved through the County subdivision process need be put in place now and are thus subject to the Act. However, as will be discussed hereinafter, there is no authority for this position and it is contrary to the doctrine of laches and the express wording of the Act.

The Act required Baltimore County to identify where major and minor residential subdivisions may be developed and the type of sewage disposal systems that will serve them. Both parcels are classified as Tier IV properties under MD. Code Annotated, Environmental Article, § 9-206. Tier IV designated properties only allows minor subdivisions on individual on-site disposal systems. The issue of what constitutes a minor subdivision under the Act is a question of law. Baltimore County failed to satisfy the statutorily provided definition of what constitutes a minor

subdivision. Section 6(b) of the Act provided that "the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012." The Maryland Department of Planning website indicates that Baltimore County had an existing definition for minor subdivision which was 3 lots or fewer (https://planning.maryland.gov/Pages/OurWork/septicsbill/subordinance.aspx#BACO_Sub). It did not. Having not adopted a definition of minor subdivision by the December 31, 2012 deadline, the Act provides a definition which is to be applied. The County may have informed the Department of Planning and Department of Environment that it had a definition but that does not make it so. Whatever the reason for Baltimore County's failure to adopt a definition of the term "minor subdivision", it is nonetheless clear that no such definition has been added to County law notwithstanding the General Assembly's request that such a definition be put in to place.

Md. Code Ann., Environmental Article, § 9-206(a)(6) provides how a local jurisdiction could have created a definition for a minor subdivision. It even gave the County a deadline within which to do so. EA § 9-206(a)(6)(i).2 provides that, if a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 31, 2012, minor subdivision means fewer than five ***new*** lots (as of December 31, 2012). Apparently someone in Baltimore County thought it was unnecessary to got through the apparently perceived Herculean effort of adding a

definition for minor subdivision where other development terms are conveniently defined, BCC § 32-4-101, or anywhere else for that matter.

A review of both the BCZR and BCC disclose no definition anywhere of 'minor subdivision". Simply stated the term is undefined in County law. What the County deems to be a minor subdivision, a residential subdivision of three lots or fewer, refers to a process whereby certain development is reviewed and approved rather than a limitation on density. An examination of the applicable development regulations, Article 32, Title 4 of the BCC illustrates this point. BCC § 32-4-104(a) provides that "[Title 4] shall apply to the process of review for approval of all development." Generally speaking, all development must go through the full development review and approval process, Subtitle 2 of Title 4 of Article 32 of the BCC, which includes a community input meeting ("CIM") and Hearing Officer's hearing ("HOH"). However, certain kinds of development are exempt from certain substantive and procedural elements of the full development review and approval process.[17] For example, "[t]he subdivision of land into three or fewer lots for residential single-family dwellings" is exempt from the CIM and HOH under BCC § 32-4-106(b)(5). Development which is exempt from the full development review and approval process is defined as a limited exemption, not a minor subdivision.

Mr. Wells testified that he agreed that it is the County practice that a minor subdivision is a residential subdivision of a tract into three lots or less. T. 11/8/19 pgs.

[17] BCC § 32-4-201 provides that "[e]xcept as provided in §§ 32-4-105, 32-4-106, and 32-4-107 of this title, an approved Development Plan is required for a development and a plat is required for a subdivision."

33-37. A review of the statutory schemed evidences the fact that three lots or fewer is a type of development which is eligible for exemptions from the full development review and approval process. The only place where three lots or fewer is mentioned in the County regulations is in BCC § 32-4-106. BCC § 32-4-106 pertains to certain developments which are entitled to exemptions from certain substantive and procedural elements of the full development review and approval process, the CIM and HOH. If BCC § 32-4-106(b)(5) constitutes the County regulation that defines minor subdivision then all limited exemptions, as exemptions under BCC § 32-4-106 are defined, constitute minor subdivisions. While the County practice may be to refer to "[t]he subdivision of land into three or fewer lots for residential single-family dwellings" under BCC § 32-4-106(b)(5) as constituting a minor subdivision, in actuality this kind of development is only referring to a subdivision which is exempt from the CIM and HOH. It is not dispositive on the issue of whether a minor subdivision is three lots or fewer, just that three lots or fewer are exempt from the CIM and HOH. As evidenced by the subdivision plan for Parcel 305, clearly additional lots can be developed. However, the Development Plan would have to be processed under the full development plan review and approval process (i.e. a CIM and HOH would be required) if the cumulative density units being created exceed three lots. The County's Development Management Policy Manual further supports this proposition. PDM – Policy No. II.f (p. 20), has a Minor Subdivision Plan Checklist No. 1 which acknowledges that density allowed can be six or more lots. As a bottom line, the identified restriction on three or fewer lots pertains to whether community meetings

and/or public hearings are required. But it does not define what constitutes a minor subdivision.

The only instance, other than what the County sent to the State pursuant to Section 6(b) of the Act, where the County has alleged that a minor subdivision is three lots or fewer is a webpage regarding Growth Tiers which provides that "a parcel divided into four or more lots is considered a major subdivision" (https://www.baltimorecountymd.gov/Agencies/planning/devrevandlanduse/growthtiers.html). But this statement on the County's website is neither law nor regulation. Again, as stated above, neither the BCZR nor the BCC defines the term minor subdivision. At best, the County has an administrative practice which would be subject to statutory construction. The County Council is the legislative body in Baltimore County, not the Department of Planning. An agency cannot veer far afield from the codified development and zoning regulations.

The consistent and long-standing construction given a statute by the agency charged with administering may be entitled to great deference, *Balto. Gas & Elec. v. Public Serv. Comm'n*, 305 Md. 145, 161-62, 501 A.2d 1307, 1315 (1986), as the agency is likely to have expertise and practical experience with the statute's subject matter. *See, e.g., Sinai Hosp. v. Dept. of Employment*, 309 Md. 28, 46, 522 A.2d 382, 391 (1987); 2B N. SINGER, SUTHERLAND STATUTORY CONSTRUCTION, § 49.05, at 17 (5th ed. 1993). However, the weight given an agency's construction of a statute depends on several factors--the duration and consistency of the administrative practice, the degree to which the agency's construction was made known to the public, and the degree to which the

Legislature was aware of the administrative construction when it reenacted the relevant statutory language. *Magan v. Medical Mutual*, 331 Md. 535, 546, 629 A.2d 626, 632 (1993). Other important considerations include "the extent to which the agency engaged in a process of reasoned elaboration in formulating its interpretation" and "the nature of the process through which the agency arrived at its interpretation," with greater weight placed on those agency interpretations that are the product of adversarial proceedings or formal rules promulgation. *Balto. Gas & Elec.*, 305 Md. at 161-62, 501 A.2d at 1315. There are no adversarial proceedings or formal rules promulgation and no reasoned elaboration of the process by which the agency arrived at its interpretation that have been identified in support of the contention that a minor subdivision has been affirmatively defined as a minor subdivision. .

An administrative agency's construction of the statute is not entitled to deference, however, when it conflicts with the unambiguous statutory language. *Falik v. Prince George's Hosp.*, 322 Md. 409, 416, 588 A.2d 324, 327 (1991). See generally 2A SINGER, supra, § 45.12. The idea that minor subdivisions are limited to three or fewer lots conflicts with the unambiguous statutory language. This point is evidenced by the fact that the underlying density afforded to a subdivision can exceed three lots but in doing so said subdivision would have to be processed through the full development review and approval process.

The Court of Appeals observed recently in *Koste v. Town of Oxford*, 431 Md. 14, 25-26 (2013) (quoting *Whitley v. Maryland State Board of Elections*, 429 Md. 132, 149, 55 A.3d 37, 47-48 (2012)):

> The primary goal of statutory construction is "to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by a particular provision[.]" *Barbre v. Pope*, 402 Md. 157, 172, 935 A.2d 699, 708 (2007). In so doing, we look first to the "normal, plain meaning of the language of the statute," read as a whole so that "no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory[.]" *Doe v. Montgomery County Bd. of Elections*, 406 Md. 697, 712, 962 A.2d 342, 351, 2008 (quoting *Barbre*, 402 Md. at 172, 935 A.2d at 708). If the language of a statute is clear and unambiguous, we "need not look beyond the statute's provisions and our analysis ends." *Barbre*, 402 Md. at 173, 935 A.2d at 709. Where the language of the statute is ambiguous and may be subject to more than one interpretation, however, we look to the statute's legislative history, case law, purpose, structure, and overarching statutory scheme in aid of searching for the intention of the Legislature. *Doe*, 406 Md. at 712, 962 A.2d at 351.

There simply is no definition of minor subdivision in the County regulations.

While legislative intent begins by looking at the plain meaning of the statutory language, in *Bd. of County Comm'rs v. Marcas, L.L.C.*, 415 Md. 676, 685, 4 A.3d 946, 951 (2010) (quoting *Lockshin v. Semsker*, 412 Md. 257, 275-76, 987 A.2d 18, 29 (2010)), the Court of Appeals indicated that the process by which the plain meaning of a statute is ascertained is guided by the following precepts:

> We, however, do not read statutory language in a vacuum, nor do we confine strictly our interpretation of a statute's plain language to the isolated section alone. Rather, the plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute. We presume that the Legislature intends its enactments to operate together as a consistent and harmonious body of law, and, thus, we seek to reconcile and harmonize the parts of a statute, to the extent possible consistent with the statute's object and scope.

Within the statutory scheme, the restriction on three lots or fewer in the BCC section pertaining to limited exemptions falls woefully short of constituting a definition for a minor subdivision. This is a classic case of the lore vs. the law. Nothing in the law

supports this apparent administrative practice. Again, the subdivision for Parcel 350 even acknowledged that density beyond three lots was permitted for the lot of record. In order to tap into that development potential, the property owner would have had to have gone to a community meeting and public hearing as opposed to undergoing an administrative review without any public notice.

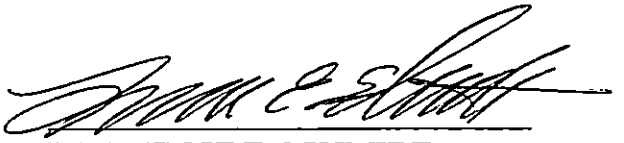
Last but not least, the Act is to be applied prospectively so subdivision approvals prior to the effective date of the Act, July 1, 2012, do not factor into the Act's limitation on density. Baltimore County clearly did not define minor subdivision EA § 9-206(a) provides that a major subdivision will constitute five or more ***new*** lots and a minor subdivision will constitute fewer than five ***new*** lots if a local jurisdiction does not define these terms (emphasis added). New is not referring to Baltimore County's subdivision of a lot of record. Rather, it is referring to a subdivision after the effective date of the Act. In summary, the Act limits future subdivision of Parcels 258 and 350 to no more density than would constitute a minor subdivision under EA § 9-206(a), four new lots or fewer.

V. Conclusion

In summary, the application of the Act to these properties limits further development to a "minor subdivision". As that term is not defined under County Law, the State Law default provision is applicable and a maximum of four lots is permitted. The Act is to be applied prospectively to subdivision after July 1, 2012. Under the RC 4 density regulations, Parcel 258 can be subdivided into six density units via the cluster

subdivision regulations or three density units under the alternate regulations. However, the Act caps the density permitted at four new lots. Parcel 350, as it has already been subdivided as a cluster subdivision, can be further subdivided only pursuant to those regulations. The alternate/optional scheme of subdivision under the RC 4 regulations can not now be utilized. Under the cluster subdivision density regulations, seven additional density units are available. However, as noted above, the Act caps the density permitted at four new lots.

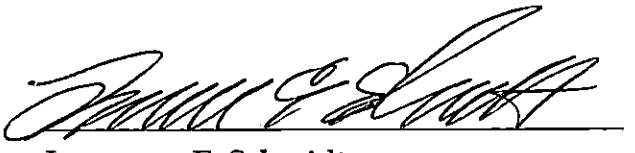
Respectfully Submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of January 2019, a copy of the foregoing Petitioners' Post Hearing Memorandum was mailed, postage pre-paid, to Michael McCann, 118 West Pennsylvania Avenue, Towson, MD 21204; and Carole DeMilio, Esquire of People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake Avenue, Room 204, Towson, Maryland 21204.



Lawrence E. Schmidt

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, January 04, 2019 2:42 PM
To: Lawrence Schmidt, Esquire; Michael McCann, Esquire; Carole Demilio
Cc: 'Alyssa Moyers'; Wheatley, Rebecca
Subject: El Paso Colby, LLC 18-155-SPH

Good afternoon,

We are in receipt of the Joint Stipulation Requesting Extension of Time to File Memos. I spoke with the panel and your request is granted. Memos are due January 11, 2019 before 3:00 p.m.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

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IN RE: PETITION FOR SPECIAL HEARING **6136 Deer Park Road** 2nd Election District 4th Councilmanic District El Paso Colby, LLC *Legal Owner*	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY **Case No.: 2018-0155-SPH**

* *

JOINT STIPULATION REQUESTING EXTENDED TIME FOR FILING

Petitioners, by and through their attorneys, Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, LLC, Protestants, by and through their attorneys, Michael R McCann, Esquire and Michael McCann, P.A., and Carole Demilio, People's Counsel for Baltimore County, hereby stipulate and agree as follows.

Pursuant to the Notice of Deliberation, Closing Briefs are due on January 7, 2019 and the parties stipulate and agree that the deadline in this matter be extended to Friday, January 11, 2019.

The Deliberation has been scheduled for February 7, 2019.

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JAN 4 2019
BALTIMORE COUNTY
BOARD OF APPEALS

SO ORDERED: _____ _____
Board of Appeals for Baltimore County Date

Baltimore County, Marylana
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 2, 2019

HAND DELIVERED
Joseph Evans, Panel Chair
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RECEIVED
JAN 02 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Re: El Paso Colby, Inc.
6136 Deer Park Road
Hearing Date: November 8, 2018
Case No.: 2018-155-SPH

Dear Panel Chair Evans:

Happy New Year! The hearing date on this matter started and concluded on November 8, 2018. Memos are due January 7th.

A sign in Sheet was submitted by me at the end of the hearing. I overlooked the enclosed list of concerned citizens who could not attend. The list was with the sign in Sheet on the clipboard. The neighbors who attended wanted these names in the CBA file just to register their opposition. I understand the Board's discretion in the weight it gives such documentation and am asking nothing more.

I discussed this list with Mr. Schmidt who had no objection submitting it at this time. You will note he is copied on this letter.

Thank you for your consideration of my oversight.

Sincerely,

Carole S. Demilio
Deputy People's Counsel for Baltimore County

cc: Michael McCann, Esquire
Lawrence Schmidt, Esquire

These individuals were unable to attend the hearing on November 8, 2018 but want the ALJ's decision upheld and are opposed to any more development than is currently allowed under Growth Tier IV regulations:

William and Melanie Aasen

6001 Deer Park Rd. Reisterstown 21136

Jim and Susan Randolph

6100 Deer Park Rd. Reisterstown 21136

James and Kathleen Gower

6515 Deer Park Rd. Reisterstown 21136

Leslie Bowman and Jay Friedlander

6233 Deer Park Rd. Reisterstown 21136

David and Lissa Caltrider

6512 Deer Park Rd. Reisterstown 21136

Sam and Patty Matz

10 Woodgait Ct. Resiterstown 21136

Katherine and David Plaut

32 South Lake Way Reisterstown 21136

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180 Fax: 410-887-3182

To: Chris Leary

From: Tammy Zahner, Legal Secretary

Date: November 20, 2018

Re: In the matter of: El Paso Colby, Inc. – Legal Owner
Case No.: 18-155-SPH

Enclosed is the recording from the above referenced case. The Board members who sat on this case are Joseph L. Evans, Chairman; Maureen E. Murphy, took exhibits; and William A. McComas, operated CourtSmart. The hearing last approximately 3 hours, 49 minutes.

I have enclosed a copy of the Address List for your convenience. Lawrence E. Schmidt, Esquire represented the Petitioner; and Michael R. McCann, Esquire represented the Protestant.

Mr. Schmidt and Mr. McCann are requesting the transcript, and have agreed to split the cost. Their contact information is below. Counsel has requested the transcript to assist in preparation of Closing Briefs. The original should be returned to the Board. Counsel has requested the transcript be complete mid-December.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you,

Tammy

Tammy Zahner

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com
Paralegal: Alyssa Moyers
amoyers@sgs-law.com

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, MD 21204
(410) 825-2150
michael@mccannlaw.net

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 15, 2018

NOTICE OF DELIBERATION

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

AGENDA: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:

1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

This matter having been heard and concluded on November 8, 2018, a public deliberation has been scheduled for the following:

DATE AND TIME: FEBRUARY 7, 2019 at 9:00 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **January 7, 2019 before 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Counsel for Protestant : Michael R. McCann, Esquire
Protestant : Rebecca Conley

Protestant (individually) : Robert C. Morgan, Esquire

Ken Wells/kjWells, Inc.
Adriana Hough
Alice Smith
Andrew Mullins
Barry Cohen
Carolyn Knight and Herb Hopkins
Carrie Boron
Charlene Cofiell
Charlene Simonds
David and Katherine Plaut
David and Nancy Walston
Gary Godfrey
John Schorr
Kristen Daub
Lina Lewis
Marie Sheridan
Mark Cleaver
Michael Perlin
Patricia Morgan
Raymond Kuter
Susan Ehman
Tammy Unkart Chojnacki
Vance Summerhill
Wendie Grader-Beck
Willis and Melanie Aasen
Yale Klein

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

SCHEDULE OF REQUESTED DOCUMENTS*

1. All documents comprising the file of the Department of Planning for this matter.
2. All documents sent to or received from the developer or its representatives regarding this matter.

*The terms "documents" and "files" include, without limitation, all papers, writings, drawings, graphs, charts, photographs, recordings, emails, and other data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form.

IN RE: PETITION FOR SPECIAL HEARING **6136 Deer Park Road**	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
2nd Election District 6th Councilmanic District Legal Owner: El Paso Colby, Inc.	*	Case No.: 2018-0155-SPH
	*	

* * * * * * * * * * * * *

SUBPOENA DUCES TECUM

To: ~~Keeve Brinc~~ Lloyd Moxley MNE
Baltimore County Department of Planning
111 W. Chesapeake Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to appear personally before the County Board of Appeals, Jefferson Building, 2nd Floor 205, 105 W. Chesapeake Avenue, Towson, Maryland, 21204 on the 8th day of November, 2018 at 10:00 a.m., for the purpose of testifying at the hearing in the above-captioned case and bringing with you the documents identified in the Schedule of Documents below, at the request of Michael R. McCann, Michael R. McCann, P.A., 118 West Pennsylvania Avenue, Towson, Maryland 21204, 410-825-2150, on behalf of Protestants.

Tommy A. Zahner
County Board of Appeals

Dated: November 1, 2018

RECEIVED
NOV 01 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 18, 2018

AMENDED
NOTICE OF REASSIGNMENT

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:

1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

This matter had been assigned for hearing on October 31, 2018 and has been postponed from that date. This matter has been

REASSIGNED FOR: NOVEMBER 8, 2018, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Counsel for Protestant : Michael R. McCann, Esquire
Protestant : Rebecca Conley

Protestant (individually) : Robert C. Morgan, Esquire

Ken Wells/kjWells, Inc.
Adriana Hough
Alice Smith
Andrew Mullins
Barry Cohen
Carolyn Knight and Herb Hopkins
Carrie Boron
Charlene Cofiell
Charlene Simonds
David and Katherine Plaut
David and Nancy Walston
Gary Godfrey
John Schorr
Kristen Daub
Lina Lewis
Marie Sheridan
Mark Cleaver
Michael Perlin
Patricia Morgan
Raymond Kuter
Susan Ehman
Tammy Unkart Chojnacki
Vance Summerhill
Wendie Grader-Beck
Willis and Melanie Aasen
Yale Klein

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
DUKE MAY, V
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

August 30, 2018

Sent Via Email and First Class Mail

Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
AUG 31 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: El Paso Colby, Inc.
6136 Deer Park Road
Case No. 2018-0155-SPH

Dear Sunny,

I write to follow up to our email exchange regarding the hearing dates scheduled for the above matter on October 31, 2018 and November 8, 2018.

As I explained, I am scheduled to participate in oral argument in a matter before the United States Court of Appeals for the Fourth Circuit in Richmond, Virginia during the 10/30/18 through 11/1/18 argument session. I have attached a copy of the Court's Order in that matter. I will not have a confirmed date until closer to that timeframe. Accordingly, I respectfully request that the October 31, 2018 date be canceled in this matter and this matter be heard on November 8, 2018.

I have a meeting scheduled with Mr. McCann to discuss this matter on September 11, 2018. At that meeting, we can determine whether a second day is necessary and we will thereafter advise you if a second date is required.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosure
cc: Michael McCann, Esquire

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501, Richmond, Virginia 23219
www.ca4.uscourts.gov

August 6, 2018

TENTATIVE CALENDAR ORDER

No. 18-1450, Jesus Christ is the Answer v. Baltimore County, Maryland
1:17-cv-03010-RDB

This case has been tentatively calendared for oral argument as follows:

Argument Session: 10/30/18 - 11/1/18

Additional Copies of Briefs & Appendices Due: 08/10/2018

Motions and Notice of Conflicts Due: 08/10/2018

The court requires a total of four paper copies of briefs and appendices in cases that are tentatively calendared for oral argument. If you previously filed one copy of your brief or appendix, you must now file three additional copies. If you have not yet filed your brief, you must file four paper copies and an electronic copy.

The requirement of four paper copies applies to all briefs and appendices, including: Amicus Briefs, Intervenor Briefs, Sealed Versions of Briefs, Public Versions of Briefs, Joint Appendices, Supplemental Appendices, Sealed Volumes of Joint and Supplemental Appendices, and Paper Copies of the Administrative Record adopted by Petitioner or Appellant as an Appendix.

All paper copies must be **identical** as to cover, binding, page numbering, and other formatting, and must match the electronic copy. No ECF entry is made by counsel when filing additional copies of paper briefs and appendices.

Any motions that would affect the scheduling of argument, including motions to continue, submit on the briefs, or voluntarily dismiss, must be filed by the due date shown above and must state whether opposing counsel consents to the requested relief.

Any scheduling conflict with dates during the argument session must be filed by the due date shown above, using the entry Notice re: conflict with proposed argument dates (form available at http://www.ca4.uscourts.gov/court-forms-fees). Do not file the form if you have no conflicts.

You will be notified either that your case has been scheduled for a date certain during the session or continued to the next available session. After a case has been scheduled for argument, any motion that would affect the argument date must show good cause for the requested relief and that the relief could not have been requested within the period set for notice of conflicts.

The identity of the panel hearing a case is not disclosed until the morning of argument.

For questions regarding scheduling of argument, please call 804-916-2714.

For questions regarding required copies, please call 804-916-2700.

/s/ PATRICIA S. CONNOR, CLERK
By: Joseph L. Coleman, Jr., Calendar Clerk

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Thursday, August 30, 2018 3:15 PM
To: Krysundra Cannington
Cc: 'Michael McCann'; Lawrence Schmidt
Subject: In the Matter of El Paso Colby (2018-155-SPH)
Attachments: Letter to BOA requesting 10.31.18 hearing be canceled.PDF

Please see the attached regarding the matter referenced above.

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, August 28, 2018 2:15 PM
To: Krysundra Cannington; 'Michael McCann'
Cc: Alyssa Moyers; Carole Demilio
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

We'll do. Thanks.
Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Tuesday, August 28, 2018 2:14 PM
To: Lawrence Schmidt; 'Michael McCann'
Cc: Alyssa Moyers; Carole Demilio
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

Mr. Schmidt,

In accordance with the Board's Rules 2(b) and (c), the Board has been asking for documentation to be filed with postponement requests. If you are asking that the hearing on October 31st be postponed, I kindly ask for documentation of the conflict.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, August 28, 2018 2:14 PM
To: 'Lawrence Schmidt'; 'Michael McCann'
Cc: Alyssa Moyers; Carole Demilio
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

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Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Tuesday, August 28, 2018 11:42 AM
To: 'Michael McCann' <michael@mmccannlaw.net>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Alyssa Moyers <amoyers@sgs-law.com>; Carole Demilio <cdemilio@baltimorecountymd.gov>
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

Sunny: based on Michael's email, let's lock in November 8. If you want to leave Oct. 31 as tentative that's fine with me, or if you have reach a decision, then I would cancel that date. I don't know when I'll hear from the federal court, but that date looks unlikely.

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, August 28, 2018 11:42 AM
To: 'Michael McCann'; Krysundra Cannington
Cc: Alyssa Moyers; Carole Demilio
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

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Michael and I are meeting on September 11 about the case and hopefully we can advise thereafter if a second date is needed.

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, August 28, 2018 11:38 AM
To: Lawrence Schmidt; Krysundra Cannington (kcannington@baltimorecountymd.gov)
Cc: Alyssa Moyers; Carole Demilio (cdemilio@baltimorecountymd.gov)
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

Sunny: we are ok with the two dates, but are agreeable to whatever accommodations Larry needs for the Oct. 31 date. I am not close enough to the case yet to know whether two days is necessary, but that is probably the safest thing to do.

Thanks.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, August 28, 2018 11:38 AM
To: Lawrence Schmidt; Krysundra Cannington
Cc: Alyssa Moyers; Carole Demilio
Subject: RE: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

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Thanks.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Friday, August 24, 2018 4:12 PM
To: Krysundra Cannington (kcannington@baltimorecountymd.gov) <kcannington@baltimorecountymd.gov>
Cc: Alyssa Moyers <amoyers@sgs-law.com>; Michael McCann <michael@mmccannlaw.net>; Carole Demilio (cdemilio@baltimorecountymd.gov) <cdemilio@baltimorecountymd.gov>
Subject: Deer Park Road (El Paso Colby) Case No. 18-155-SPH

Sunny: I recently received the Board's notice of assignment scheduling the above matter to two hearing dates, October 31 and November 8, 2018. Michael McCann is also involved in this case as counsel for certain neighbors, as is Carole Demilio from People's Counsel.

Insofar as my schedule, I have been advised that a matter in which I am counsel of record is scheduled for oral argument at the United States Court of Appeals (4th Circuit) in Richmond Virginia. The Court initially advises counsel that the argument will occur within a four day time frame (in this case, October 30 to November 2) and then as the date approaches a specific date is assigned. I don't know the specific date at this time. Since this will be a road trip, I expect that October 31 will not work for me, as I will either be in Richmond or traveling to/from.

Krysundra Cannington

From:	Lawrence Schmidt <lschmidt@sgs-law.com>
Sent:	Friday, August 24, 2018 4:12 PM
To:	Krysundra Cannington
Cc:	Alyssa Moyers; michael@mmccannlaw.net; Carole Demilio
Subject:	Deer Park Road (El Paso Colby) Case No. 18-155-SPH

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The second date, November 8, 2018, is clear on my calendar. I cannot speak for Mr. McCann and Ms. Demilio. Hopefully, they can advise.

Further, the petitioner (property owner) is an out of state entity and its representative will be traveling a significant distance (Mexico) to attend the hearing. If the hearing will consume two days (and I'd appreciate Ms. Demilio's and Mr. McCann's input on that) certainly back to back hearing dates are preferable (assuming that is possible).

I will leave it to your discretion as to whether you want to cancel the October 31 hearing date now or wait until I hear from the federal court with a firm date for my argument. If we can finish the matter in one day, then we can keep the November 8 date and if back to back dates are simply not possible then we can keep that date and schedule a second day. (or maybe we can start at 9:00 a.m.)

Sorry that I cannot offer any solution to these issues but I wanted to alert you to the situation. Mr. McCann and I are meeting to discuss this matter (and hopefully either settle the case or narrow the issues) on September 11 so we may have further clarity then.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 7, 2018

NOTICE OF REASSIGNMENT

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:
1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

After recent postponement, this matter has been

REASSIGNED FOR: OCTOBER 31, 2018, AT 10:00 A.M. – Day 1
and NOVEMBER 8, 2018, AT 10:00 A.M. – Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Counsel for Protestant : Michael R. McCann, Esquire
Protestant : Rebecca Conley

Protestant (individually) : Robert C. Morgan, Esquire

Ken Wells/kjWells, Inc.
Adriana Hough
Alice Smith
Andrew Mullins
Barry Cohen
Carolyn Knight and Herb Hopkins
Carrie Boron
Charlene Cofiell
Charlene Simonds
David and Katherine Plaut
David and Nancy Walston
Gary Godfrey
John Schorr
Kristen Daub
Lina Lewis
Marie Sheridan
Mark Cleaver
Michael Perlin
Patricia Morgan
Raymond Kuter
Susan Ehman
Tammy Unkart Chojnacki
Vance Summerhill
Wendie Grader-Beck
Willis and Melanie Aasen
Yale Klein

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Bob Morgan <bobmorganbv@gmail.com>
Sent: Monday, July 30, 2018 6:20 PM
To: Lawrence Schmidt
Cc: Michael McCann; Krysundra Cannington; Peoples Counsel; Alyssa Moyers
Subject: Re: El Paso

Mr. Schmidt, I do not and never did represent Ms. Conley. I will be withdrawing as counsel in this case. I hope to be able formally send that in this week, but you may move forward with scheduling etc. without seeking my input. Thanks,

Robert C. Morgan
bobmorganbv@gmail.com
410-456-2715

Sent from my iPhone

On Jul 30, 2018, at 5:49 PM, Lawrence Schmidt <lschmidt@sgs-law.com> wrote:

> Sunny: I am following up on this matter, which was postponed from the first assigned hearing date. I don't know if you would like counsel to try an coordinate an agreed date. If so, let me know. Also, I know that People's Counsel (Ms. DeMilio) is involved in the case, as is Mr. McCann. Also, per my initial email below, I am not clear if Mr. Morgan is also counsel of record. He indicated that he would be representing Ms. Conley, who is also identified as Mr. McCann's client. I'd appreciate clarification from the Protestants' counsel as to who is representing who for scheduling and other purposes.
>
> Please let me know when this matter is to be reassigned.
> Thanks.
> Larry
>
> **Lawrence E. Schmidt | Partner**
> SMITH, GILDEA & SCHMIDT, LLC
> 600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
> lschmidt@sgs-law.com | www.sgs-law.com
>
> This email contains [illegible] which may be confidential and/or privileged. [illegible] use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or other use of this communication is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Bob Morgan [mailto:bobmorganbv@gmail.com]
Sent: Tuesday, June 26, 2018 4:50 PM
To: Lawrence Schmidt

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, July 30, 2018 5:49 PM
To: 'Bob Morgan'
Cc: Michael McCann; Krysundra Cannington; Peoples Counsel; Alyssa Moyers
Subject: RE: El Paso

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Please let me know when this matter is to be reassigned.
Thanks.
Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Bob Morgan [mailto:bobmorganbv@gmail.com]
Sent: Tuesday, June 26, 2018 4:50 PM
To: Lawrence Schmidt
Cc: Michael McCann; Krysundra Cannington (kcannington@baltimorecountymd.gov); People's Counsel <peoplescounsel@baltimorecountymd.gov> (peoplescounsel@baltimorecountymd.gov); Alyssa Moyers
Subject: Re: El Paso

I will try to speak with Mr. McCann by tomorrow. I am traveling today. I entered my appearance on my own behalf as an interested neighbor. Speaking only for myself, I do not oppose the requested postponement.

Sent from my iPhone

On Jun 26, 2018, at 12:24 PM, Lawrence Schmidt <lschmidt@sgs-law.com> wrote:

> Sunny: perhaps we'll hear from Mr. Morgan and he can shed some light.

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, July 10, 2018 1:40 PM
To: 'Michael McCann'
Subject: RE: 6136 Deer Park Road - 2018-155

Hi Michael,

You are correct. I have not yet rescheduled this case.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

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From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Monday, July 09, 2018 4:59 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Subject: 6136 Deer Park Road - 2018-155

Sunny: And are we still waiting on a date for this one too?

Thanks.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine.

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, July 09, 2018 4:59 PM
To: Krysundra Cannington
Subject: 6136 Deer Park Road - 2018-155

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Thanks.

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Michael R. McCann
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From: Michael McCann
Sent: Monday, June 25, 2018 6:45 PM
To: 'Krysundra Cannington' <kcannington@baltimorecountymd.gov>
Cc: 'Lawrence Schmidt' <lschmidt@sgs-law.com>
Subject:

Sunny: Please see attached. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 2, 2018

NOTICE OF POSTPONEMENT

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:

1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

This matter was assigned for hearing on July 10, 2018 and has been postponed at request of Counsel. This matter will be reassigned to a later date.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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Krysundra "Sunny" Cannington,
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Counsel for Protestant : Michael R. McCann, Esquire
Protestant : Rebecca Conley

Protestant (individually) : Robert C. Morgan, Esquire

Ken Wells/kjWells, Inc.
Adriana Hough
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Andrew Mullins
Barry Cohen
Carolyn Knight and Herb Hopkins
Carrie Boron
Charlene Cofiell
Charlene Simonds
David and Katherine Plaut
David and Nancy Walston
Gary Godfrey
John Schorr
Kristen Daub
Lina Lewis
Marie Sheridan
Mark Cleaver
Michael Perlin
Patricia Morgan
Raymond Kuter
Susan Ehman
Tammy Unkart Chojnacki
Vance Summerhill
Wendie Grader-Beck
Willis and Melanie Aasen
Yale Klein

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Appeals Board
Sent: Wednesday, June 27, 2018 7:41 AM
To: 'Bob Morgan'
Subject: El Paso Colby 18-155-SPH
Attachments: Subpoena to Produce Documents.pdf; Affidavit of Service.pdf; Subpoena.pdf

Mr. Morgan,

We are in receipt of your request for Subpoenas Duces Tecum. We request that you use our Subpoena forms which I have attached for your convenience. Our forms are also located on our website. When submitting Subpoenas, we ask that you provide 3 for each person you wish to subpoena. We will keep one, one is for your records, the third is for serving. I have also attached the Affidavit of Service for your convenience.

Please do not hesitate to contact us with any questions.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	BOARD OF APPEALS
6136 Deer Park Road	*	OF
	*	BALTIMORE COUNTY
2nd Election District 4th Councilmanic District	*	
	*	
El Paso Colby, Inc.	*	Case No.: 2018-0155- SPH
Appellant	*	
	*	

* *

REQUEST FOR ISSUANCE OF SUBPOENAS DUCES TECUM

Rebecca Conley and Robert Morgan, on their own behalf and for interested members of the community that oppose the Petition filed herein, pursuant to Rule 5 of the Rules of Practice and Procedure of County Board of Appeals, respectfully request that the Board of Appeals issue subpoenas to the following individuals to appear in person, give testimony and bring their original files to the hearing scheduled on July 10, 2018 at 10 am before the Baltimore County Board of Appeals:

RECEIVED
JUN 26 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Lloyd Moxley
Wallace Lippincott
Baltimore County Department of Planning
105 West Chesapeake Ave., Suite 100
Towson, MD 21204

Keeve Brine, who no longer works for Baltimore County, did a field visit on January 2, 2018 and prepared a report that contains relevant information about the buildings on the Parcels in question, contains a summary of the prior conveyances and contains field notes on the Plat that Petitioner submitted as evidence in the hearing before the Administrative Law Judge. Mr. Lippincott is the sector chief for Mr. Brine and will be able to testify from Mr. Brine's notes and files.

Lloyd Moxley both reviewed the Planning Department file and prepared the Zoning Advisory Committee Comments to the Deputy Administrative Officer and Director of Permits, Approvals and Inspections and was involved in processing the Minor Subdivision Application that was

submitted by the previous owner in 2000 and is prominently mentioned in the Petition and is relevant to the position of the community in opposition to the Petition. Mr. Moxley will be able to testify as to the procedures for a minor subdivision and the impact of the previous approved minor subdivision on the current Petition. Mr. Moxley also will be able to testify as to the Zoning Advisory Committee Comments and the field work and review of the land and zoning records with respect to the preparation of the Zoning Advisory Committee Comments.

Respectfully submitted,

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136
(410) 456-2715
bobmorganbv@gmail.com
CPF Number: 8112010261

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **25th** day of **June, 2018**, a copy of the foregoing Request for Issuance of Subpoenas Duces Tecum was mailed, first-class, postage prepaid to:

Rebecca Conley
6232 Deer Park Road
Reisterstown, MD 21136

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Council for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Robert C. Morgan, Esquire

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	BOARD OF APPEALS
6136 Deer Park Road	*	OF
	*	BALTIMORE COUNTY
2nd Election District 4th Councilmanic District	*	
El Paso Colby, Inc.	*	Case No.: 2018-0155- SPH
Appellant	*	
	*	

RECEIVED
JUN 26 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

* * * *

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Respectfully submitted,

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Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Robert C. Morgan, Esquire

Krysundra Cannington

From: Bob Morgan <bobmorganbv@gmail.com>
Sent: Tuesday, June 26, 2018 4:50 PM
To: Lawrence Schmidt
Cc: Michael McCann; Krysundra Cannington; Peoples Counsel; Alyssa Moyers
Subject: Re: El Paso

I will try to speak with Mr. McCann by tomorrow. I am traveling today. I entered my appearance on my own behalf as an interested neighbor. Speaking only for myself, I do not oppose the requested postponement.[1]

Sent from my iPhone

On Jun 26, 2018, at 12:24 PM, Lawrence Schmidt <lschmidt@sgs-law.com> wrote:

> Sunny: perhaps we'll hear from Mr. Morgan and he can shed some light.
> I am assuming that the pp request will be granted.
>
> In terms of re-scheduling, there were a fair number of individuals who appeared at the hearing below and with the neighbors now being represented by counsel, I doubt that the hearing can be concluded in one day. I have witnesses who are attending and who are coming to the hearing from out of the country (Mexico and Canada). In view of that; I would ask that we schedule two consecutive days for the hearing. I will certainly work with counsel in terms of agreeing to dates suitable to all.
>
> Thanks.
>
> Larry Schmidt
>
> **Lawrence E. Schmidt | Partner**
> SMITH, GILDEA & SCHMIDT, LLC
> 600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
> lschmidt@sgs-law.com | www.sgs-law.com
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From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, June 26, 2018 12:17 PM
To: Lawrence Schmidt; Krysundra Cannington (kcannington@baltimorecountymd.gov); People's Counsel <peoplescounsel@baltimorecountymd.gov> (peoplescounsel@baltimorecountymd.gov);

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, June 26, 2018 12:24 PM
To: 'Michael McCann'; Krysundra Cannington; Peoples Counsel; 'bobmorganbv@gmail.com'
Cc: Alyssa Moyers
Subject: RE: El Paso

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Thanks.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, June 26, 2018 12:17 PM
To: Lawrence Schmidt; Krysundra Cannington (kcannington@baltimorecountymd.gov); People's Counsel <peoplescounsel@baltimorecountymd.gov> (peoplescounsel@baltimorecountymd.gov); 'bobmorganbv@gmail.com'
Cc: Alyssa Moyers
Subject: RE: El Paso

Sunny: I was just retained by Ms. Conley yesterday afternoon. I don't know Mr. Morgan, but it looks like his entry of appearance was filed sometime last week.

Thanks.

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, June 26, 2018 12:17 PM
To: Lawrence Schmidt; Krysundra Cannington; Peoples Counsel; 'bobmorganbv@gmail.com'
Cc: Alyssa Moyers
Subject: RE: El Paso

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Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Tuesday, June 26, 2018 12:04 PM
To: Krysundra Cannington (kcannington@baltimorecountymd.gov) <kcannington@baltimorecountymd.gov>; People's Counsel <peoplescounsel@baltimorecountymd.gov> (peoplescounsel@baltimorecountymd.gov) <peoplescounsel@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>; 'bobmorganbv@gmail.com' <bobmorganbv@gmail.com>
Cc: Alyssa Moyers <amoyers@sgs-law.com>
Subject: FW: El Paso

Ms. Cannington: In addition to the recent email I received from attorney Michael McCann, who entered his appearance on behalf of Rebecca Conley and requested a postponement of the case from its hearing date of July 11, 2018; I also received the attached correspondence today from attorney Robert Morgan. As noted therein, Mr. Morgan enters his appearance and advises that Ms. Conley is not represented by counsel and effectively wants to serve as his co-counsel.

I am quite candidly confused. Maybe Mr. McCann and/or Mr. Morgan can advise who represents who and which counsel are "in" the case.

Krysundra Cannington

From:	Lawrence Schmidt <lschmidt@sgs-law.com>
Sent:	Tuesday, June 26, 2018 12:04 PM
To:	Krysundra Cannington; Peoples Counsel; michael@mmccannlaw.net; 'bobmorganbv@gmail.com'
Cc:	Alyssa Moyers
Subject:	FW: El Paso
Attachments:	Entry of Appearance-0001.PDF

Ms. Cannington: In addition to the recent email I received from attorney Michael McCann, who entered his appearance on behalf of Rebecca Conley and requested a postponement of the case from its hearing date of July 11, 2018; I also received the attached correspondence today from attorney Robert Morgan. As noted therein, Mr. Morgan enters his appearance and advises that Ms. Conley is not represented by counsel and effectively wants to serve as his co-counsel.

I am quite candidly confused. Maybe Mr. McCann and/or Mr. Morgan can advise who represents who and which counsel are "in" the case.

For the record, Maryland law makes it abundantly clear what constitutes the practice and law and individuals who are not members of the Maryland Bar cannot practice before tribunals (including the Board of Appeals) in this State. Thus, if Ms. Conley proposes to act as "counsel" in this case and endeavors to represent another; I would respectfully object.

Thank you and please advise.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, June 26, 2018 11:55 AM
To: Lawrence Schmidt; Krysundra Cannington
Cc: Alyssa Moyers
Subject: RE: El Paso Colby hearing

Sunny: Sorry for the confusion. That is the day my client told me. My flight leaves at 8 am on the 10th so, yes, I am asking for a postponement of that date.

Thanks.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Tuesday, June 26, 2018 11:49 AM
To: Michael McCann <michael@mmccannlaw.net>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: El Paso Colby hearing

Sunny: I received the letter from Mr. McCann requesting a postponement of the hearing on the above matter. His letter indicates that the case is scheduled for July 11, 2018; however, it is actually set for July 10, 2018. I am assuming that he still has a schedule conflict (he indicates he is leaving on July 10 for vacation) but I wanted to clarify in that if his departure is not until that evening, perhaps there is no conflict.
In any event, I'll await further word from the Board or Mr. McCann.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, June 26, 2018 11:49 AM
To: 'Michael McCann'; Krysundra Cannington
Cc: Alyssa Moyers
Subject: RE: El Paso Colby hearing

Sunny: I received the letter from Mr. McCann requesting a postponement of the hearing on the above matter. His letter indicates that the case is scheduled for July 11, 2018; however, it is actually set for July 10, 2018. I am assuming that he still has a schedule conflict (he indicates he is leaving on July 10 for vacation) but I wanted to clarify in that if his departure is not until that evening, perhaps there is no conflict.
In any event, I'll await further word from the Board or Mr. McCann.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Monday, June 25, 2018 6:45 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt
Subject:

Sunny: Please see attached. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine.

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED
JUN 27 2018
BALTIMORE COUNTY
BOARD OF APPEALS

June 25, 2018

Via Email and US Mail

Krysundra Cannington
Baltimore County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: Petitions for Special Hearing
6136 Deer Park Road
Case no. 2018-0155-SPH

Dear Ms. Cannington:

I have just been retained by Protestant Rebecca Conley in connection with the above-referenced matter, which is scheduled for hearing on July 11, 2018. I write to request a postponement of the hearing as I will be out of country from July 10-14 on a trip with my daughter. Also, Ms. Conley underwent emergency hip replacement surgery today and will be unable to travel for several weeks.

Thank you for your attention to this matter. Please contact me if you have any questions or concerns.

Best Regards,

Michael McCann

cc: Larry Schmidt (via email and US Mail)

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

June 25, 2018

Via Email and US Mail

Krysundra Cannington
Baltimore County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: Petitions for Special Hearing
6136 Deer Park Road
Case no. 2018-0155-SPH

Dear Ms. Cannington:

I have just been retained by Protestant Rebecca Conley in connection with the above-referenced matter, which is scheduled for hearing on July 11, 2018. I write to request a postponement of the hearing as I will be out of country from July 10-14 on a trip with my daughter. Also, Ms. Conley underwent emergency hip replacement surgery today and will be unable to travel for several weeks.

Thank you for your attention to this matter. Please contact me if you have any questions or concerns.

Best Regards,

Michael McCann

cc: Larry Schmidt (via email and US Mail)

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, June 25, 2018 6:45 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt
Attachments: 20180625183819299.pdf

Sunny: Please see attached. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	BOARD OF APPEALS
6136 Deer Park Road	*	OF
	*	BALTIMORE COUNTY
2nd Election District 4th Councilmanic District	*	
	*	
El Paso Colby, Inc.	*	Case No.: 2018-0155- SPH
Appellant		

* *

ENTRY OF APPEARANCE

Please enter the appearance of attorney Robert C. Morgan on his own behalf as an interested party and neighbor of the subject property. Mr. Morgan will work in conjunction with the interested party present and identified at the public hearing before the Administrative Law Judge as a spokesperson for community members present at that proceeding, Rebecca Conley. Many members of the community attended the public hearing before the Administrative Law Judge and did not have an orderly opportunity to be heard. There is no organized or incorporated community association and there is no budget to hire an attorney with expertise in zoning law. Mr. Morgan and Ms. Conley request that the Board of Appeals relax Rule 6 c. and allow both Ms. Conley, who is not an attorney, and Mr. Morgan to work cooperatively to present witnesses, present evidence, cross examine witnesses and present opening and closing remarks, if appropriate.

Respectfully submitted,

Robert C. Morgan, Esquire
6315 Deer Park Road
Reisterstown, MD 21136
(410) 456-2715
bobmorganbv@gmail.com
CPF Number: 8112010261

RECEIVED
JUN 21 2018
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **21st** day of **June, 2018**, a copy of the foregoing Entry of Appearance was mailed, first-class, postage prepaid to:

Rebecca Conley
6232 Deer Park Road
Reisterstown, MD 21136

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

John E. Beverungen, Esquire
Administrative Laws Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Council for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Robert C. Morgan, Esquire

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	BOARD OF APPEALS
6136 Deer Park Road	*	OF
	*	BALTIMORE COUNTY
2nd Election District 4th Councilmanic District	*	
El Paso Colby, Inc. Appellant	*	Case No.: 2018-0155- SPH

RECEIVED
JUN 25 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

* * * *



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **21st** day of **June, 2018**, a copy of the foregoing Entry of Appearance was mailed, first-class, postage prepaid to:

Rebecca Conley
6232 Deer Park Road
Reisterstown, MD 21136

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

John E. Beverungen, Esquire
Administrative Laws Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Council for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Robert C. Morgan, Esquire

Tammy Zahner

From: Tammy Zahner
Sent: Wednesday, June 13, 2018 2:08 PM
To: 'bobmorganbv@gmail.com'
Subject: El Paso Colby
Attachments: File documents.pdf; ALJ-Petitioners Exhibits 6A-6F.pdf; ALJ-Petitioners Exhibits.pdf

Mr. Morgan:

Attached please find a copy of the documents you requested in the matter of El Paso Colby, Inc., Case No.: 18-155-SPH

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

Confidentiality Statement
This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. This information is intended only for the use of the individual or entity named above. If you are not the intended receipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 11 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:
1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

This matter was assigned for hearing on May 23, 2018 and has been postponed at request of Counsel. This matter has been

REASSIGNED FOR: JULY 10, 2018, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Ken Wells/KJWells, Inc.
Rebecca Conley

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

RECEIVED
APR 23 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Hasler
04/12/2018
US POSTAGE $000.37[8]
FIRST-CLASS MAIL
AUTO
ZIP 21204

Luis Lara
El Paso Colby, Inc.
12120 Esther Lama Drive, Suite 100
El Paso, Texas 79

NIXIE 799 FE 1260 0004/19/18
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 21204471153 *0693-11188-19-24

ANK
CL I [illegible] 79936

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

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Hasler
03/27/2018
US POSTAGE $000.37[8]
FIRST-CLASS MAIL
AUTO

ZIP 21204
011D12603654

RECEIVED
APR 13 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Luis Lara
El Paso Colby, Inc.
12120 Esther Lama Drive, Suite 100
El Paso, Texas

no longer @ this add

NIXIE 799 DE 1260 2204/10/18
RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 21204471153 *0693-00595-10-31

BLH-65B 7993
21204 47711

S TH, GILDEA & SCH DT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

April 3, 2018

Sent Via Email and First Class Mail
Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
APR 04 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
Case No. 2018-0155-SPH

Dear Sunny,

I am in receipt of the Board's Notice of Postponement and Reassignment in connection with the above referenced matter.

I understand that this matter has been rescheduled for a hearing on May 23, 2018 beginning at 10:00 a.m. Unfortunately, I am scheduled to be out of the Country on a preplanned, prepaid family vacation from May 10th through May 25th, and as such would appreciate this matter being postponed to a later date at the convenience of the Board.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,

Lawrence E. Schmidt

LES/amf
cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 26, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: El Paso Colby, Inc. – Legal Owner
6136 Deer Park Road
18-155-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to confirm/ establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

2/9/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED as follows:

1. No additional lots may be created on Parcel 350 as shown on the site plan admitted as Exhibit 1; and
2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan – in compliance with all subdivision and zoning regulations – two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted as Exhibit 1.

2/20/18 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of El Paso Colby, Inc., Petitioner.

3/2/18 Opinion and Order on Motion for Reconsideration wherein the Motion was DENIED.

ASSIGNED FOR: MAY 23, 2018, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c: Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : El Paso Colby, Inc.

Ken Wells/KJWells, Inc.
Rebecca Conley

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 14, 2018

RECEIVED
MAR 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0155-SPH
Property: 6136 Deer Park Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 12, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

I would greatly appreciate if Ms. Conley would forward a copy of this Appeal to her neighbors also in attendance at the hearing.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c:
Baltimore County Board of Appeals
People's Counsel
Rebecca Conley, 6232 Deer Park Road, Reisterstown, Maryland 21136

APPEAL

Petition for Special Hearing
(6136 Deer Park Road)
2nd Election District – 4th Councilmanic District
Legal Owner: El Paso Colby, Inc.
Case No. 2018-0155-SPH

Petition for Variance Hearing (December 7, 2017)

Zoning Description of Property

Certificate of Posting –January 1, 2018 (Linda O'Keefe)

Newspaper Advertisement – January 4, 2018 - Jeffersonian

Notice of Zoning Hearing – December 19, 2017

People's Counsel Entry of Appearance – December 11, 2017

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 2 Sheets

Petitioner(s) Exhibits –

1. Site Plan
2. 2A-2C SDAT records
3. Minor Sub Plan- Silcott Property
4. Parcel 258 Deeds
5. Parcel 350 Deeds
6. 6A-6F My Neighborhood Aerial Photos

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED – February 9, 2018)

Motion for Reconsideration filed by Lawrence E. Schmidt, Esq. (February 20, 2018)

Administrative Law Judge Order and Letter on Motion for Reconsideration (DENIED-March 2, 2018)

Notice of Appeal & Receipt – March 12, 2018- Lawrence E. Schmidt, Esq.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

RECEIVED
MAR 12 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

March 12, 2018

Via Hand Delivery
Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 6136 Deer Park Road
Case No. 2018-0155-SPH

Dear Mr. Jablon,

Enclosed herewith please find an original and three (3) copies of the Notice of Appeal on behalf of Appellant, El Paso Colby, Inc., to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of $265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/afm
Enclosures
cc: Administrative Law Judge John E. Beverungen (w/ encl.)
Rebecca Conley, 6232 Deer Park Road, Reisterstown, MD 21136 (w/ encl.)
Peter Max Zimmerman, Esquire (w/ encl.)
Krysundra Cannington, Board of Appeals (w/ encl.)
El Paso Colby, Inc. (w/ encl.)

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

Nº 143371

Date: 3/12/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00

Total: 265.00

Rec From: Lawrence Schmidt Esq

For: Leibe Deer Park Road

2018-0155-SPH

CK# 2265

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/14/2018	3/12/2018	14:49:19	5

REG WS05 WALKIN LRB
>>RECEIPT # 946470 3/12/2018 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 143371
Recpt Tot $265.00
$265.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

RECEIVED
MAR 12 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

March 12, 2018

Via Hand Delivery
Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

RECEIVED
MAR 12 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Notice of Appeal
Property: 6136 Deer Park Road
Case No. 2018-0155-SPH

Dear Mr. Jablon,

Enclosed herewith please find an original and three (3) copies of the Notice of Appeal on behalf of Appellant, El Paso Colby, Inc., to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of $265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/afm
Enclosures
cc: Administrative Law Judge John E. Beverungen (w/ encl.)
Rebecca Conley, 6232 Deer Park Road, Reisterstown, MD 21136 (w/ encl.)
Peter Max Zimmerman, Esquire (w/ encl.)
Krysundra Cannington, Board of Appeals (w/ encl.)
El Paso Colby, Inc. (w/ encl.)

IN RE: **PETITION FOR SPECIAL HEARING** **6136 Deer Park Road**	*	BEFORE THE
	*	BOARD OF APPEALS
2nd Election District 4th Councilmanic District	*	OF
	*	BALTIMORE COUNTY
El Paso Colby, Inc., *Legal Owner* Appellant	*	**Case No.: 2018-0155-SPH**

RECEIVED
MAR 12 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

* *

NOTICE OF APPEAL

The Appellant, El Paso Colby, Inc., by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order on Motion for Reconsideration dated March 2, 2018, as well as the Opinion and Order dated February 9, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of **March, 2018,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

Rebecca Conley
6232 Deer Park Road
Reisterstown, MD 21136

John E. Beverungen, Esquire
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 W. Chesapeake Ave., Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Ave., Room 204
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 W. Chesapeake Ave., Room 205
Towson, MD 21204

LAWRENCE E. SCHMIDT

IN RE: **PETITION FOR SPECIAL HEARING** **(6136 Deer Park Road)** 2nd Election District 4th Council District El Paso Colby, Inc. *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2018-0155-SPH**

* * * * * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner. A motion for reconsideration is properly granted only when "some new or different factual situation exists that justifies a different conclusion." *Calvert County v. Howlin Realty, Inc.*, 364 Md. 301, 325 (2001). I do not believe Petitioner's motion presents any new or different facts that were not considered at the original hearing, and it will therefore be denied.

Having reviewed the motion it would seem Petitioner wants the case decided in a theoretical vacuum, without considering any of the legal and factual antecedents which bear upon the question it posed in the petition for special hearing. Perhaps that is why the site plan (Petitioner's Ex. No. 1) does not show any houses, buildings or other structures, even though the "Zoning Hearing Checklist" requires such information to be shown.

The topic of the existing dwellings on the parcels was raised by the community, and the undersigned noted at the hearing such information was relevant to determine the "rights of subdivisions (density)" as sought in the Petition. The Petition also requested the Administrative Law Judge ("ALJ") to "confirm/ratify previous property conveyances" from the parcels. Even so, Petitioner claims the ALJ erred when he in fact considered and evaluated those conveyances, one of which was an illegal subdivision by a prior owner. It would be impossible to determine

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the available or remaining density of a tract without considering prior conveyances. Presumably that is why Petitioner presented a series of title deeds for each of the parcels. *See* Petitioner's Ex. Nos. 4 & 5.

Petitioner also complains the ALJ referenced in the opinion a "so called 'tenant house'" (Motion, p.6) and argues no evidence was presented as to whether the structure was approved as such by the agricultural board. The minor subdivision plan (Ex. 3) approved in 2000 (not the undersigned) identified the structure as a "tenant house" and it was Petitioner's burden to establish that it had been properly authorized and approved for that use. Since no evidence was presented on that issue, and since only one dwelling per lot is permitted in the RC4 zone, the tenant house constitutes a dwelling or density unit which must be accounted for in resolving the petition for special hearing.

THEREFORE, IT IS ORDERED this **2nd** day of **March, 2018,** by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln

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By sln

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 2, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Motion for Reconsideration
Case No. 2018-0155-SPH
Property: 6136 Deer Park Road

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

I would greatly appreciate if Ms. Conley would forward a copy of this Order to her neighbors also in attendance at the hearing.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Rebecca Conley, 6232 Deer Park Road, Reisterstown, Maryland 21136

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

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FEB 20 2018
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ADMINISTRATIVE HEARINGS

February 20, 2018

Sent Via Hand Delivery
John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Petitions for Special hearing
Case No. 2018-0155-SPH
6136 Deer Park Road

Dear Judge Beverungen,

Enclosed please find a Motion for Reconsideration filed by Petitioner, El Paso Colby, Inc. in connection with the above referenced matter. Please note that I have sent a copy of this Motion to Rebecca Conley, for circulation amongst the interested neighbors.

Thank you for your consideration.

Very truly yours,

Lawrence E. Schmidt

LES/afm
Encl.
cc: El Paso Colby, Inc.
Kenneth J. Wells, KJWells, Inc.
Rebecca Conley

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
	*	OFFICE OF
6136 Deer Park Road	*	ADMINISTRATIVE HEARINGS
2nd Election District 4th Councilmanic District	*	FOR BALTIMORE COUNTY
El Paso Colby, Inc., *Legal Owners* and *Petitioner*	*	
	*	**Case No.: 2018-0155-SPH**

* *

Motion for Reconsideration

El Paso Colby, Inc., Petitioner, by Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, its attorneys, pursuant to Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, submits this Motion for Reconsideration and in support thereof states:

Introduction and Procedural Background

This matter comes before the Office of Administrative Hearings ("OAH") on a Petition for Special Hearing filed by El Paso Colby, Inc., legal owner of two separate parcels of land located near Deer Park Road in the 4th Councilmanic District of Baltimore County. The petition was filed "to confirm/establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350." Notwithstanding testimony/arguments of neighbors who appeared at the hearing, the petition and matters for which a determination was requested thereunder does not include a request for proposed subdivision approval, does not seek a determination of the number of dwelling units now on the property and does not seek a determination of the legal status of a building identified as a tenant house on Parcel 350. More

importantly, this case is not a Code violation case and Baltimore County has not issued a correction notice nor allege any violation of either the Baltimore County Zoning Regulations ("BCZR") or the Baltimore County Code ("BCC"). An understanding of the precise issue presented is vital to the rendition of a proper decision on the merits of this matter.

After this Petition was filed, it was scheduled for hearing before the OAH on January 25, 2018. A hearing before Administrative Law Judge ("ALJ") John E. Beverungen was held on that date. Unfortunately, insufficient time was allotted for the hearing. A large numbers of individuals from the locale appeared at the hearing. Neither Petition nor its counsel anticipated their appearance. No attorney was engaged by the neighbors and entered an appearance before hand. Undersigned counsel for the Petitioner received one telephone call from a single neighbor prior to the hearing; and after explaining the nature of the request to him, was advised that the matter was of little interest to the neighborhood. Complicating the situation was that the ALJ's docket was scheduled in such a manner so that another case was scheduled one hour after the start time for the instant case. Thus, the parties were unable to make their full evidentiary presentations, offer rebuttal evidence or make closing argument. This is not intended as a criticism of the ALJ, the Zoning Office's scheduling clerk or the parties; merely a statement explaining why this Motion is filed and the information presented herein was not provided to the ALJ in open hearing.

The Property

It is uncontroverted that the overall property under consideration in this matter is comprised of two separate "lots of record", as defined under BCZR § 101.1. Specifically, that section defines the term as "a parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date pf the zoning regulations which governs

the use, subdivision or other condition thereof". That Parcels 258 and 350 are each "lots of record" is not in dispute. Based upon the testimony of Mr. Wells and evidence presented (including the deeds and title history for each parcel) these are separate lots of record which need be evaluated separately in terms of determining their density and potential rights of subdivision.

The Applicable Regulations

Both Parcel 258 and Parcel 350 are zoned RC 4. Both are classified as Tier IV properties under MD. Code Annotated, Environmental Article, § 9-206. This is the State law under which the tier classifications (referenced in the ALJ's decision) are identified. Thus, it is both the density/rights of subdivision regulations for the RC 4 zone in the BCZR ***and*** the provisions of the "Sustainable Growth and Agricultural Preservation Act of 2012" (hereinafter the "Act") that need be considered in properly addressing the question presented.

Parcel 258

First, insofar as an application of the Act, it is noted (and was found by the ALJ) that there have been no subdivisions of Parcel 258 since December 31, 2012. As further found by the ALJ, the Act limits development of this Parcel (going forward) to nothing more than a minor subdivision. Specifically, the Act states, "(O)n or after December 31, 2012, a local jurisdiction . . . may not authorize a residential major subdivision" on a Tier IV property. Md. Code Ann., Environmental Article, § 9-206(f). Thus, the Act is applied prospectively. Indeed, the Act provides certain provisions to grandfather property previously subdivided (See generally § 9-206(b)). In summary, the Act (as applicable to Parcel 258) limits potential subdivision of Parcel 258 to no more than a minor subdivision.

As correctly observed by the ALJ, what constitutes a "minor subdivision" is not expressly defined in Baltimore County law. Neither the BCZR nor BCC contain a definition of the term.

However, in practice, the term "minor subdivision" has come to be considered any subdivision of a property to no more than three residential lots. This has become the accepted definition of minor subdivision based upon language in BCC § 32-4-106. Specifically, in describing those development projects which qualify for an exemption from the full development review process, BCC § 32-4-106 (b)(5) describes "the subdivision of land into three or fewer lots for residential development" and BCC § 32-4-106 (b)(8) allows an exemption for "a minor development that does not exceed a total of three lots." This three lot limitation has been utilized by the County is determining what constitutes a minor subdivision.[1] For the purposes of this Motion, Petitioner agrees that a "minor subdivision" is the residential subdivision of a property into three or fewer lots, for the purposes of the limitation conferred in the Act. In sum, since Parcel 258 has not be subdivided (legally or not) since December 31, 2012; it may be subdivided in the future (as regulated as limited by the Act) into no more than three lots. Moreover, any prior subdivision, legal or not, is not impacted by the Act as it occurred prior to the its effective date (July 1, 2012).

Second, insofar as the application of the RC 4 density regulations, the RC 4 regulations were adopted under Bill 178-1992, effective November 25, 1979. As noted in the ALJ's opinion, the original acreage Parcel 258 in November 1979 was approximately 42 acres. Subsequent to the acquisition of that parcel by Mr. Silcott in 1982, he conveyed 11.46 acres in 1993. Thus, the current acreage of Parcel 258 (acquired by the Petitioner from Mr. Silcott on October 30, 2014) is 30.595 acres. BCZR § 1A03.4.B.1.b regulates density in the RC 4 zone. It provides that for lots larger than 10 acres, the allowable maximum density is .02 lots per acre for a cluster subdivision. Thus, Parcel 258 originally could yield as many as eight lots (.02 x 42 acres = 8.4

[1] As noted by the ALJ in his opinion, the term "minor subdivision" also appears in the BCC in at least three places; namely, §§§ 32-6-108(b)(2), 32-4-203(a)(2) and 32-6-103(b)(2)(v). However, the term is not defined by any of these sections and the language does not in any manner describe what a minor subdivision is.

density units).[2] Clearly, one density unit was conveyed in 1993. Thus, seven are left. This is more than allowed under the Act. Thus, Parcel 258 currently has the potential to be developed with as many as three additional units.

The ALJ's imposed requirement that the 1993 subdivision now be legitimized via the "minor subdivision process" is manifestly improper. First, this is not a Code violation case. No action has been brought by Baltimore County. Moreover, the remedy to rescind a conveyance/subdivision for failure to comply with the provision in Article 32 of the BCC lies with the transferee, not Baltimore County. Finally, if the current acreage of Parcel 258 is proposed for a three lot subdivision, then it may well trigger compliance with the full review process set out in Article 32, as the 1993 lot and the three additional proposed would constitute a four lot yield from the original acreage. Whatever the case, the ALJ's mandate to require a post facto minor subdivision is improper. It is, quite simply, an issue for another day when the potential yield of the existing acreage of Parcel 258 has been determined and the owner (or future owner) determines its plans for the Parcel.

Parcel 350

As described on the site plan and title devolution shown thereon, Mr. Silcott originally acquired Parcel 350 in 1979. At the time, the Parcel 350 (a lot of record) was 44.67 acres in area. This acreage did not include another parcel (no. 606). In 2000, Mr. Silcott lawfully subdivided (through approval of a plan and recordation of a plat) 5.192 acres. Thus, the current acreage of Parcel 350 is 39.478 acres.

As is the case with Parcel 258, given that the acreage of Parcel 350 exceeded 40 acres in November 1979, the total density available under the RC 4 regulations is nine units (.02 x 44.67

[2] The .02 density multiplier applies to cluster subdivisions. The BCZR further provides that for non-cluster subdivisions, the multiplier is .01. If using that multiplier, the original acreage of Parcel 258 would yield 4 lots and there would be three remaining (the same number allowed by the Act).

acres = 9.3 units).[3] One has been conveyed, leaving eight available for the current acreage held by the Petitioner. Additionally, there has been no conveyance subsequent to December 31, 2012, thus the current acreage is limited to subdivision into three lots by the Act.

The ALJ's decision also references the so called "tenant house" on Parcel 350. There is no evidence in the record as to whether that dwelling has been approved as a tenant house by the County's Land Preservation Advisory Board. Moreover, there was no testimony proffered by the current owner as to the future use of that dwelling. Frankly, that decision has not been made. Might it be razed? Perhaps. Might there be a subdivision of the property through which the tenant house might be a principle dwelling on a created lot? Perhaps. But this is not a violation case. It is a case where an out of state owner is endeavoring to determine the potential of the property. Mr. Silcott remains as a tenant on the property. He is elderly and may relocate. The Petitioner seeks through this proceeding only a determination of the potential of this property.

Conclusion

Based upon the uncontroverted evidence offered, it is clear that both Parcel 258 and Parcel 350 were over 40 acres in areas of November 25, 1979 (and are thus lots of record as of that date). Under the RC 4 density regulations (.02 lots per acre) Parcel 258 could have been subdivided to create eight lots and Parcel 350 could have yielded as many as nine lots. Moreover, since each property has "spun off" one lot since 1979, thus there is (from an RC 4 density standpoint) the potential for an additional seven lots (Parcel 258) and eight lots (Parcel 350). Insofar as the Act, there have been no conveyances since December 31, 2012 and thus future subdivision is limited to three lots. In conclusion, each Parcel has the future subdivision of three lots (six lots total). This conclusion should be the finding of the ALJ.

[3] As was the calculation for Parcel 258, using the non-cluster density multiplier of .01 units per acre would allow four units.

As to the other issues identified in the ALJ's opinion, they are, at the least, premature. When the Petitioner requested that the ALJ "confirm prior conveyances" it was asking that the ALJ acknowledge them and consider them in the context of density and the impact of the tier limitations in ***this zoning case.*** The ALJ is considering a Petition for Special Hearings asking for consideration of the zoning regulations and the State law which impacts zoning density. This is not a development plan review case. There is no development plan under consideration. Moreover, this is not a Code violation case. The Petitioner (as owner of two separate but adjoining parcel) might combine them and seek approval of a major subdivision. It might request minor subdivision approval for each parcel separately. Or it may propose no additional development. It might raze; or keep, the tenant dwelling. The instant request is merely to set the table so the Petitioner can understand its options. The ALJ's restrictions imposed are manifestly improper pursuant to the request made and the order should be amended accordingly.

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of **February, 2018,** a copy of the foregoing Motion for Reconsideration was delivered to

Rebecca Conley
6232 Deer Park Road,
Reisterstown, MD 21136

LAWRENCE E. SCHMIDT

IN RE: **PETITION FOR SPECIAL HEARING** **(6136 Deer Park Road)** 2nd Election District 4th Council District El Paso Colby, Inc. *Legal Owner* Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2018-0155-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of El Paso Colby, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm/establish rights of subdivision (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350.

Surveyor Ken Wells appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioner. Numerous citizens attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

A site plan was marked and admitted as Petitioner's Exhibit 1. At the conclusion of the Petitioner's case, the community asked for a continuance so that another hearing day could be scheduled at which they could express their concerns. That request was granted, although after examining the exhibits I believe the case can be resolved without further testimony since the dispositive issues are questions of law.

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This is a special hearing case. The Maryland court of special appeals has held a "request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Balto. Co.,* 163 Md. App. 194, 209 (2005). In other words, Petitioner is not seeking approval for any specific or proposed project or subdivision. Instead, it filed the petition to determine what rights it has with respect to the parcels at issue, as permitted under B.C.Z.R. §500.7. As counsel noted at the outset of the hearing, both the RC 4 zoning regulations and the growth tiers adopted by Baltimore County pursuant to the Sustainable Growth and Agricultural Preservation Act of 2012 are potentially applicable in determining the subdivision rights associated with the subject property.

PARCEL 350

E. & J. Silcott acquired in 1979 a tract of land zoned RC 4. The tract at that time totaled approximately 44.67 acres. In 2000, the Silcotts subdivided the tract into two lots, as shown on the minor subdivision plan filed at S.M. 1-212. Pet. Ex. 3. Lot 2 shown on that plan, now identified as Parcel 350, contains 39.47 acres and Lot 1 contains 5.19 acres. Lot 1 is improved with a single-family dwelling known as 1710 Oakland Road. Lot 2 is improved with a single-family dwelling known as 6136 Deer Park Road and another dwelling identified on the plan as a "tenant house." The minor subdivision plan identified a conservancy area of 34.15 acres, or 70% of the total acreage, and it does not appear as if any dwellings or structures are located within the conservancy area.

Parcel 350 is located within a Tier IV growth area, meaning that only a minor subdivision (with on-site sewage disposal systems) may be constructed. Though it does not appear to be specifically defined, the Baltimore County Code contains several references to "minor subdivisions" (*E.g.,* BCC §§32-6-108(b)(2); 32-4-203(a)(2); 32-6-103(b)(2)(v)) and the long-

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standing and uniform agency practice and interpretation of that term means the creation of three or fewer lots for single-family dwellings.

As noted above Parcel 350 has been subdivided into two lots, pursuant to the "Minor Subdivision Plan" approved in 2000. Pet. Ex. 3. While only two lots were created, three dwellings exist on the tract; i.e., Lot 2 contains a dwelling and a "tenant house." In the RC 4 zone, only one dwelling is permitted per lot. B.C.Z.R. §1A03.4.B.5. However, a "tenant house" is permitted in the RC 4 zone provided the Land Preservation Advisory Board certifies that [] [a]ny such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers." *Id.* The Zoning Commissioner's Policy Manual contains similar restrictions on tenant houses in the RC 4 zone, including a requirement that a "tenant affidavit" and deed be submitted in support of the request. Z.C.P.M. pp. 1A-6 & 1A-25.

The file in this case does not contain any documentation concerning the legitimacy of the "tenant house" and none of the exhibits submitted by the Petitioner addressed the issue. At the hearing, community members adamantly stated there is no farming activity on the property. In these circumstances I believe the dwelling identified on Lot 2 of the minor subdivision plan as a "tenant house" does not satisfy the requirements for that use or designation. As such, to comply with Baltimore County requirements the Petitioner would be required to amend the minor subdivision plan and create a third lot thereon that would encompass the "tenant house." As noted above, only minor subdivisions are permitted in Growth Tier IV, and thus I believe Petitioner has no further rights of subdivision with respect to Parcel 350.

PARCEL 258

In or about 1982, Mr. Silcott acquired a 42 acre parcel situated to the west of parcel 350. In 1993 an 11.46 acre parcel was conveyed from the tract, which is now owned by William and

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Amy Craig. That property (identified as Parcel 559 on the site plan admitted herein as Ex. 1) is improved with a 2,896 sq. ft. single-family dwelling constructed in 1993. The remainder of the original 42 acre tract (comprising approximately 30.595 acres) is identified on Petitioner's site plan as Parcel 258. The Department of Planning visited the site on January 2, 2018 and stated in its comment "[t]here are no dwellings on this parcel currently."

Parcel 258 is also located within Growth Tier IV. As noted above in connection with Parcel 350, only a minor subdivision (utilizing private well and septic systems) may be constructed on a Growth Tier IV parcel. The original 42 acre tract was not lawfully subdivided; i.e., it is undisputed the prior owner conveyed the 11.46 acre parcel in 1993 without complying with County subdivision and zoning regulations.

In light of the above, Petitioner must prepare and submit to Baltimore County a minor subdivision plan encompassing the entire 42 acre tract. Such a plan would allow Petitioner to create three lots total, although one lot on the plan must be allocated to the 11.46 acre parcel conveyed to the Craigs; now known as 1724 Oakland Avenue. As such, assuming Petitioner complies with the requirements set forth in the County's subdivision and zoning regulations, two additional lots may be created on Parcel 258 as shown on the site plan.

THEREFORE, IT IS ORDERED this 9th day of **February, 2018,** by this Administrative Law Judge, that the Petition for Special Hearing be and is hereby GRANTED, as follows:

1. No additional lots may be created on Parcel 350 as shown on the site plan admitted herein as Exhibit 1; and

2. Provided Petitioner or subsequent owner submits and has approved by Baltimore County a minor subdivision plan--in compliance with all subdivision and zoning regulations--two (2) additional lots may be created on Parcel 258 as shown on the site plan admitted herein

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By

as Exhibit 1.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln

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Date 2/9/18
By

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 9, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2018-0155-SPH
Property: 6136 Deer Park Road

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

I would greatly appreciate if Ms. Conley would forward a copy of this Order to her neighbors also in attendance at the hearing.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Rebecca Conley, 6232 Deer Park Road, Reisterstown, Maryland 21136

John E. Beverungen

From: John E. Beverungen
Sent: Wednesday, January 31, 2018 1:23 PM
To: 'BeckynBilly Conley'
Subject: RE: Case # 2018-0155-SPH

Thanks for your e-mail. I have been reviewing the materials submitted at the hearing, and as you know this is a complex matter. I will be in touch with you and Mr. Schmidt in a week or so to give you a status update.

John Beverungen
ALJ

From: BeckynBilly Conley [mailto:beachretreatllc@gmail.com]
Sent: Wednesday, January 31, 2018 12:28 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: Re: Case # 2018-0155-SPH

Your Honor,
Hello. We hadn't heard from anyone regarding this matter and possible dates for continuance. Please contact us here for any updates on Case # 2018-0155-SPH.

Thank You.
Be well.

Becky & Billy Conley
The Beach Retreat LLC
443.255.2292

PLEASE PRINT CLEARLY

CASE NAME El Paso Colly
CASE NUMBER 2018-155-SPH
DATE SPH

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Lawrence E Schmidt	600 Washington Ave	Towson MD	21204 lschmidt@sgs-law.com
KEN WELLS	7403 NEW CUT RD	21087	

PLEASE PRINT CLEARLY

CASE NAME 2018-0155-SPH
CASE NUMBER
DATE 1/25/2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Gary Godfrey	6207 Deer Park Road	Reisterstown MD 21136	
Alice Smith	3 Putting Way	Reisterstown Md 21136	AUSmith101@Verizon.net
Andrew Mullins	193 South Lake Way	"	amullins@Summitlandserve.com
MARK CLEAVER	6221 DEER PARK RD.	REISTERSTOWN	MNCLEAVER@COM
YALE KLEIN	29 SOUTH LAKE WAY	REISTERSTOWN, MD 21136	YALEZER@GMAIL.COM
Will Aasem	6001 Deer Park Rd	" " "	bumknee37@msn.com
Melanie Aasem	6001 Deer Park Rd	" " "	angelflx4@~~Yahoo~~Verizon.net
Patricia Morgan	6315 Deer Park Rd	" " "	pmorgan@verizon.net
RAYMOND KUTER	1512 OAKLAND RD	" " "	RAYCUDA2@GMAIL.COM
David Walston	1730 Oakland Rd		dpwalston@comcast.net
Nancy Walston	1730 Oakland Rd	" " "	nmwalston@comcast.net
David + Kate Plaut	32 5 Lake Way	" "	Kplaut@yahoo.com
Charlene Simonds	5715 Deer Park Rd	Reisterstown, MD 21136	CJSimonds@aol.com
SUSAN EHMAN	6419 WILMOT DRIVE	" " "	sueehman@gmail.com
Carolyn Knight & Herb Hopkins	6514 Deer Park Road	" " "	knight@umbc.edu
Adriana Hopkins	3 folly farms Ct.	" "	adrianah@comcast.net
CARRIE BOKON	6201 DEER PARK RD	REISTERSTOWN, MD 21136	CPNCB96@GMAIL.COM
MICHAEL PERLIN	6131 DEER PARK RD.	REISTERSTOWN, MD 21136	perlinet@verizon.net
Wendie Grader Beck	6108 Deer Park Rd	Reisterstown MD 21136	wendie.gb@icloud.com
Vance Summerhill	6120 Deer Park rd	Reisterstown MD 21136	Kayakingistfun1@yahoo.com
Charlene Cofiell	6125 DEER Park Rd	Reisterstown md 21136	spacequeen53@gmail.com
JOHN R. SCHORR	5916 DEER PARK RD	" " 21136	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Katherine Plaut	32 S Lake Way	Reisterstown 21136	Kplaut@yahoo.com
David Plaut	/		
LINA LEWIS	17 DEER CROSS CT.	REISTERSTOWN 21136	lewislina@gmail.com
Bob Morgan	6315 Deer Park Rd.	Reisterstown 21136	bobmorgan6v@gmail.com
Kristen Daub	6609 Deer Park Rd	Reisterstown MD 21136	Kristen.daub@yahoo.com
Tammy Unikart Chojnacki	5903 Deer Park Rd.	Reisterstown MD 21136	CHojwoman@Verizon.Net
MARIE SHERIDAN	6101 Deer Park Rd	Reisterstown MD 21132	ronsheridan@juno.com
BARRY COHEN	3 ANGUS CT	REISTERSTOWN 21136	LAWMAN_519@YAHOO.COM
REBECCA CONLEY	6232 DEER PARK RD	REISTERSTOWN 21136	beachretreatllc@gmail.com

KEVIN KAMENETZ
County Executive

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

January 18, 2018

El Paso Colby, Inc.
Luis Lara
12120 Esther Lama Drive
Suite 100
El Paso Texas 79936

RE: Case Number: 2018-0155 SPH, Address: 6136 Deer Park Road

Dear Mr. Lara:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 7, 2017. This 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 12/11/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0155-SPH
Special Hearing
El Paso Colby, Inc. Luis Lora
6136 Deer Park Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 8, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2017
Item No. 2018-0151-A, 0152-SPH, 0153-A, 0155-SPH, 0156-A and 0157-SPH

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: December 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0155-SPH
Address: 6136 Deer Park Road
(El Paso Colby, Inc. Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Lloyd Moxley
Development Review Section

DATE: 1/5/2018

FROM: Keeve Brine
Sector Planner, Neighborhood Response Team

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-155

INFORMATION:
Property Address: 6136 Deer Park Road, Reisterstown, MD
Petitioner: **El Paso Colby, Inc.**
Zoning: RC 4
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing relief to confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

A site visit was conducted on January 2, 2018.

Both parcels are zoned RC 4 – Watershed Protection, and have been since at least 1996. Both parcels are Growth Tier 4. Both parcels were owned by Edward Silcott from at least 1982, and then sold to El Paso Colby, Inc. in 2014.

While under the ownership of Edward Silcott, Parcel 258 was illegally subdivided in 1993. There was no development plan or conservancy areas recorded at that time. There are no dwellings on this parcel currently.

While under the ownership of Edward Silcott, Parcel 350 was approved for a minor subdivision on September 18, 2000 for 2 proposed lots. At that time (and currently), there were two existing dwellings on one lot (6136 Deer Park Road and 6140 Deer Park Rd/Lot 2). Mr. Silcott still lives at 6136 Deer Park Road. The existing tenant house, providing a residence to a tenant who currently manages the property, lives at 6140 Deer Park Road. The proposed dwelling (#1710 Oakland Rd) on Lot 1 (5.19ac) was built in 2002. A conservancy area was included on that 2000 plan to cover 34 acres (70%) of the property.

There is a discrepancy on this plan regarding 6226 Deer Park Rd (Parcel 606). The Maryland Department of Assessments & Taxation indicates that this property was transferred from Steven Silcott to Steven Silcott in 2008, however this land was included as part of the Silcott Property/Parcel 350 (MP00049) in the Development plan from 2000. There is no development plan for Parcel 606. A building permit to construct a single family dwelling was issued in 2006. The dwelling was built in 2007.

The Department has no objection to this petition.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-155

INFORMATION:
Property Address: 6136 Deer Park Road
Petitioner: Luis Lara, El Paso Colby, Inc.
Zoning: RC 4
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should confirm/establish rights of subdivisions (density) for existing parcel 258 and parcel 350, which are under common ownership, and to confirm/ratify the previous property conveyances from parcel 258 and parcel 350.

A site visit was conducted on January 2, 2018. The subject parcels are mapped Growth Tier IV on the Baltimore County Growth Tier Map. No dwellings currently exist on Parcel 258. Parcel 350 was approved for a minor subdivision on September 18, 2000 for 2 lots. Currently there are two existing dwellings on Lot 2, 6136 Deer Park Road and 6140 Deer Park Road.

The Department will concur with the determination of the Administrative Law Judge subsequent to a public hearing.

For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

Prepared by:
Lloyd T. Moxley

Deputy Director:
Jeff Mayhew

AVA/KS/LTM/ka

c: Keeve Brine
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5373158

Sold To:
Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

Bill To:
Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 04, 2018



NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2018-0155-SPH
6136 Deer Park Road
500 ft. SE of the intersection of Deer Park Road and Ivy Mill Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Authorized Rep. of Luis Lara, El Paso Colby, Inc.

Special Hearing 1. To confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, January 25, 2018 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.

1/005 January 4 5373158

The Baltimore Sun Media Group

By S. Wilkinson

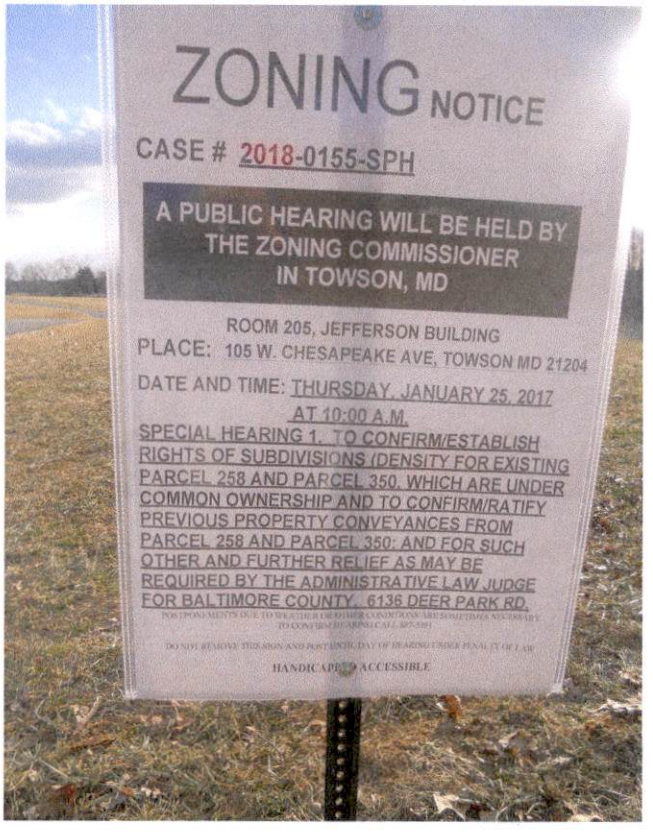
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 1/2/2018
Case Number: 2018-0155-SPH
Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ EL PASO COLBY, INC.
Date of Hearing: JANUARY 25, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6163 DEER PARK ROAD

The sign(s) were posted on: JANUARY 1, 2018



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

KEVIN KAMENETZ
County Executive

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

December 19, 2017

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0155-SPH
6136 Deer Park Road
500 ft. SE of the intersection of Deer Park Road and Ivy Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Authorized Rep. of Luis Lara, El Paso Colby, Inc.

Special Hearing 1. To confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, January 25, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
El Paso Colby, Inc., 12120 Esther Lama Drive, Ste. 100, El Paso TX 29936

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 5, 2018.**
(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.

RE:	PETITION FOR SPECIAL HEARING 6136 Deer Park Road; 500' SE of Intersection of Deer Park Road and Ivy Mill Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): El Paso Colby, Inc by Luis Lara, Authorized Representative Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2018-155-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

RECEIVED
DEC 11 2017

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6136 Deer Park Road **which is presently zoned** R.C. 4

Deed References: 35551/429 10 Digit Tax Account # 1900007120 & 0207580370

Property Owner(s) Printed Name(s) El Paso Colby, Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ✓ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ____ **a Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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.
Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

ORDER RECEIVED FOR FILING
Date 2/9/18
By AEN

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners): Authorized Representative of

Luis Lara / El Paso Colby, Inc.
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

12120 Esther Lama Dr. Suite 100 El Paso TX
Mailing Address City State

79936 / / tpicazarri@aiig.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

CASE NUMBER 2018-0155-SPH **Filing Date** 12/7/17 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING

6136 Deer Park Road
Parcel 258 (Tax Account No. 1900007120)
Parcel 350 (Tax Account No. 0207580370)
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To confirm/ establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2018-0155-SPH

kjWellsInc
Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

November 21, 2017

Zoning Description
Tax Map 57 Parcel 258

Beginning at a point in the approximate centerline of Deer Park Road; thence Easterly along the centerline of Deer Park Road 40 feet; thence leaving Deer Park Road South 21 degrees 07 minutes East approximately 420 feet to the point of beginning; thence the following courses and distances:

1) South 21 degrees 0 minutes 0 seconds East 1167.50 feet;
2) South 19 degrees 10 minutes 0 seconds West 813.20 feet;
3) North 83 degrees 06 minutes 0 seconds West 938.83 feet;
4) North 52 degrees 26 minutes 30 seconds West 124.10 feet;
5) North 16 degrees 14 minutes 42 seconds East 706.70 feet;
6) North 81 degrees 26 minutes 24 seconds East 220.00 feet;
7) North 28 degrees 25 minutes 30 seconds East 679.54 feet;
8) North 24 degrees 21 minutes 28 seconds West 195.38 feet;
9) North 50 degrees 10 minutes 00 seconds East 283.50 feet

to the place of beginning. Containing 1,332,718 square feet or 30.595 acres more or less. Being the remaining portion of land of Parcel 2 recorded in Liber 35551 folio 429.

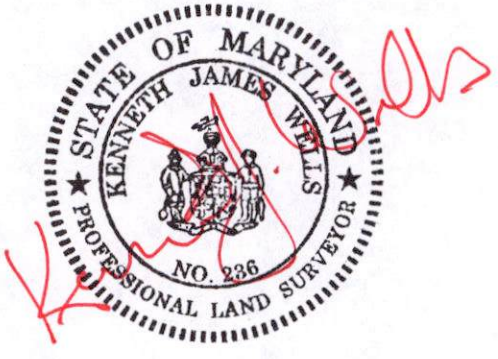
2018-0155-SPH

Zoning Description
Tax Map 57 Parcel 350

Beginning at a point in the approximate centerline of Deer Park Road; thence Easterly along the centerline of Deer Park Road 580 feet to the point of beginning; thence the following courses and distances:

1) South 71 degrees 55 minutes 40 seconds East 141.08 feet;
2) South 66 degrees 26 minutes 05 seconds East 107.43 feet;
3) South 71 degrees 00 minutes 55 seconds East 143.61 feet;
4) South 74 degrees 39 minutes 11 seconds East 52.50 feet:
5) South 23 degrees 21 minutes34 seconds West 108.63 feet;
6) South 66 degrees 47 minutes54 seconds East 103.05 feet;
7) South 19 degrees 54 minutes 43seconds West 433.95 feet;
8) South 19 degrees 04 minutes 03 seconds West 231.65 feet;
9) South 24 degrees 06 minutes 03 seconds West 546.04 feet;
10) North 86 degrees 14 minutes 57 seconds West 250.80 feet;
11) North 19 degrees 10 minutes 00 seconds East 56.95 feet:
12) Line curving to the left having a radius of 100 feet and length of 112.18 feet;
13) South 86 degrees 18 minutes 25 seconds East 57.52 feet;
14) South 82 degrees 30 minutes 27 seconds East 83.92 feet:
15) South 85 degrees 38 minutes 47 seconds East 39.64 feet:
16) North 24 degrees 18 minutes 24 seconds East 113.26 feet;
17) North 37 degrees 45 minutes 13 seconds West 287.34 feet;
18) North 19 degrees 10 minutes 00 seconds West 406.60 feet;
19) North 21 degrees 10 minutes 00 seconds West 379.34 feet;
20) North 71 degrees 17 minutes 15 seconds East 17.31 feet;
21) North 16 degrees 06 minutes 57 seconds East 323.37 feet;
22) North 72 degrees 52 minutes 04 seconds East 5.77 feet;
23) North 15 degrees 52 minutes 04 seconds East 10.73 feet

to the place of beginning. Containing 1,719,662 square feet or 39.478 acres more or less. Being the remaining portion of land of Parcel 1 recorded in Liber 35551 folio 429.



2018-0155-SPH

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Code of Maryland
Environment
Title 9. Water, Ice, & Sanitary Facilities (Refs & Annos)
Subtitle 2. Regulation by State (Refs & Annos)
Part II. Water Supply Systems, Sewerage Systems, and Refuse Disposal Systems

MD Code, Environment, § 9-206

§ 9-206. On-site sewage disposal system requirements for residential subdivisions

Effective: October 1, 2013

Currentness

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) "Community sewerage system" means a publicly or privately owned sewerage system that serves at least two lots.

(3) "Growth tiers" means the tiers adopted by a local jurisdiction in accordance with Title 1, Subtitle 5 of the Land Use Article.

(4) "Lot" includes a part of a subdivision that:

(i) Is used or is intended to be used as a building site; and

(ii) Is not intended to be further subdivided.

(5) "Major subdivision" means:

(i) The subdivision of land:

1. Into new lots, plats, building sites, or other divisions of land defined or described as a major subdivision in a local ordinance or regulation:

A. That is in effect on or before January 1, 2012; or

B. Adopted on or before December 31, 2012, if a local jurisdiction chooses to create a definition or description applicable solely to this section or if a local ordinance or regulation does not define or describe a major subdivision under item A of this item; or

2. If a local jurisdiction has not adopted a definition or description of a major subdivision on or before December 31, 2012, under item 1 of this item, into five or more new lots, plats, building sites, or other divisions of land; and

(ii) If the local ordinance or regulation has multiple definitions or descriptions of a major subdivision under item (i) of this paragraph, the definition or description of a major subdivision that is determined by the local jurisdiction to apply for the purposes of this section.

(6) "Minor subdivision" means:

(i) The subdivision of land:

1. Into new lots, plats, building sites, or other divisions of land defined or described as a minor subdivision in a local ordinance or regulation:

A. That is in effect on or before January 1, 2012; or

B. Adopted on or before December 31, 2012, if a local jurisdiction chooses to create a definition or description applicable solely to this section or if a local ordinance or regulation does not define or describe a minor subdivision under item A of this item, provided that a minor subdivision defined or described in the adopted ordinance or regulation does not exceed seven new lots, plats, building sites, or other divisions of land; or

2. If a local jurisdiction has not adopted a definition or description of a minor subdivision on or before December 31, 2012, under item 1 of this item, into fewer than five new lots, plats, building sites, or other divisions of land; and

(ii) If the local ordinance or regulation has multiple definitions or descriptions of a minor subdivision under item (i) of this paragraph, the definition or description of a minor subdivision that is determined by the local jurisdiction to apply for the purposes of this section.

(7) "On-site sewage disposal" means the disposal of sewage beneath the soil surface.

(8)(i) "On-site sewage disposal system" means a sewage treatment unit, collection system, disposal area, and related appurtenances.

(ii) "On-site sewage disposal system" includes a shared facility or community sewerage system that disposes of sewage effluent beneath the soil surface.

(9) "Public sewer" means a community, shared, or multiuse sewerage system.

(10) "Shared facility" means a sewerage system that:

(i) Serves more than one:

1. Lot and is owned in common by the users;

2. Condominium unit and is owned in common by the users or by a condominium association;

3. User and is located on individual lots owned by the users; or

4. User on one lot and is owned in common by the users; or

(ii) Is located wholly or partly on any of the common elements of a condominium; or

(iii) Serves a housing or another multiple ownership cooperative.

(11) "State agency" means:

(i) The Maryland Agricultural Land Preservation Foundation;

(ii) The Maryland Environmental Trust;

(iii) The Department of Natural Resources; or

(iv) The Maryland-National Capital Park and Planning Commission.

(12) "Subdivision" means a division of a tract or parcel of land into at least two lots for the immediate or future purpose of sale or building development.

Applicability

(b)(1) Subsections (f) through (i) and subsection (l) of this section apply to residential subdivisions.

(2) Subsections (f) through (i) do not apply to an application for approval of a residential subdivision under § 9-512(e) of this title if:

(i) 1. By October 1, 2012, a submission for preliminary plan approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development;

2. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval:

A. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department; and

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B. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; or

3. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval and the local jurisdiction does not accept applications for soil percolation tests year round:

A. Documentation that a Maryland professional engineer or surveyor has prepared and certified under seal a site plan in anticipation of an application for soil percolation tests;

B. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department at the next available soil percolation test season; and

C. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; and

(ii) By October 1, 2016, the preliminary plan is approved.

Construction

(c)(1) Subsections (f) through (i) and subsection (l) of this section do not apply to covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2-118 of the Real Property Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.

(2) Subsections (f) through (i) of this section may not be construed as granting any additional rights in covenants, restrictions, conditions, or conservation easements that were created or entered into at any time under § 2-118 of the Real Property Article for the benefit of, or held by, a State agency or a local jurisdiction for the purpose of conserving natural resources or agricultural land.

Local development rights program

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(d) Subsections (f) through (i) and subsection (l) of this section do not:

(1) Affect a local transfer of development rights program authorized under § 10-324 of the Local Government Article or Title 7, Subtitle 2 or § 22-105 of the Land Use Article; or

(2) Diminish the local development rights transferred in these transfer of development rights programs.

Local jurisdiction ability to alter definition or description of major or minor subdivision

(e) Subsections (f) through (i) and subsection (l) of this section may not be construed as prohibiting a local jurisdiction from altering the definition or description of a major or minor subdivision in a local ordinance or regulation for local zoning or development purposes.

Adoption of growth tiers; exception

(f) On or after December 31, 2012, a local jurisdiction:

(1) May not authorize a residential major subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems until the local jurisdiction adopts the growth tiers in accordance with § 5-104 of the Land Use Article; or

(2) If the local jurisdiction has not adopted the growth tiers in accordance with § 5-104 of the Land Use Article, may authorize:

(i) A residential minor subdivision served by on-site sewage disposal systems if the residential subdivision otherwise meets the requirements of this title; or

(ii) A major or minor subdivision served by public sewer in a Tier I area.

Conditions for approval of a residential subdivision plat

(g)(1) Except as provided in subsection (f)(2) of this section and subject to subsection (i) of this section, a local jurisdiction may authorize a residential subdivision plat only if:

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(i) All lots proposed in an area designated for Tier I growth will be served by public sewer;

(ii) All lots proposed in an area designated for Tier II growth:

1. Will be served by public sewer; or

2. If the subdivision is a minor subdivision, may be served by on-site sewage disposal systems;

(iii) Except as provided in subsection (h) of this section, the subdivision is a minor subdivision served by individual on-site sewage disposal systems in a Tier III or Tier IV area; or

(iv) The subdivision is a major subdivision served by on-site sewage disposal systems, a community system, or a shared facility located in a Tier III area and has been recommended by the local planning board in accordance with § 5-104 of the Land Use Article.

(2) Any delay in the approval of a residential subdivision plat under this subsection may not be construed as applying to any deadline for approving or disapproving a subdivision plat under Division II or § 5-201 of the Land Use Article or a local ordinance.

Determination of actual overall yield of dwelling units per 20 acres; limitation exception

(h)(1) The limitation of minor subdivisions in subsection (g)(1)(iii) of this section does not apply to a local jurisdiction, if the subdivision and zoning requirements in their cumulative Tier IV areas result in an actual overall yield of not more than one dwelling unit per 20 acres that has been verified by the Department of Planning.

(2) A local jurisdiction may request, in writing, a verification of the actual overall yield from the Department of Planning.

(3) The Department of Planning shall verify the actual overall yield after consultation with the Maryland Sustainable Growth Commission, established in § 5-702 of the State Finance and Procurement Article.

Conflicting growth tier designations

(i)(1) If two or more local jurisdictions adopt conflicting growth tier designations for the same area, the Department and the

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Department of Planning shall confer with the local jurisdictions to seek resolution of the conflicting designations.

(2) If a conflict in growth tier designations is not resolved, the Department of Planning shall recommend to the Department and the Department may approve the preferred local jurisdiction designations as recommended by the Department of Planning based on the following best planning practices or factors:

(i) The comprehensive plan, including the municipal growth element, the water resources element, the land use element, and, if applicable, the priority preservation element;

(ii) Growth projections and development capacity; and

(iii) Availability of infrastructure.

Information required before sale, development, or permanent building on land platted for subdivision

(j) With respect to land that is platted for subdivision, a person may not offer any of the land for sale or development or erect a permanent building on the land, unless there have been submitted to the Department:

(1) A plat of the subdivision;

(2) A statement of the methods, consistent with Subtitle 5 of this title, by which the subdivision is to be supplied with water and sewerage service;

(3) Documentation by the local jurisdiction that a major subdivision on-site sewage disposal system, a community sewerage system, or a shared facility is in a:

(i) Tier III area as adopted by the local jurisdiction; or

(ii) Tier IV area in a local jurisdiction that is exempt from the limitation of minor subdivisions as provided in subsection (h) of this section; and

(4) Any other information that the Department requires.

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Department determinations after information provided under subsection (j) of this section

(k) On the basis of information provided under subsection (j) of this section, the Department may order:

(1) Preparation and submission, within any time the Department sets, of any plans and specifications that the Department considers necessary to provide for adequate water supply and sewerage service to the subdivision; and

(2) Installation, within any time the Department sets, of the whole or any part of a water supply system or sewerage system for the subdivision that:

(i) Conforms to the plans submitted to the Department and to any revision of the plans that the Department approves; and

(ii) In the judgment of the Department, is needed for the public health.

Further requirements for residential minor subdivisions in a Tier II, Tier III, or Tier IV area

(l)(1) This subsection applies to a residential minor subdivision in a Tier II, Tier III, or Tier IV area.

(2) Except as provided in paragraphs (4) and (5) of this subsection, on or after December 31, 2012, if a tract or parcel of land is subdivided into a residential minor subdivision leaving any remainder parcel or tract of land:

(i) The residential minor subdivision may not be resubdivided or further subdivided; and

(ii) The remainder parcel or tract of land may not be subdivided.

(3) Except as provided in paragraphs (4) and (5) of this subsection, on or after December 31, 2012, the subdivision plat of the residential minor subdivision shall state that:

(i) The residential minor subdivision may not be resubdivided or further subdivided;

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(ii) The remainder parcel or tract of land may not be subdivided; and

(iii) The subdivision plat is subject to State law and local ordinances and regulations.

(4) On or after December 31, 2012, if a tract or parcel of land is subdivided into a residential minor subdivision, the residential minor subdivision or the remainder parcel or tract of land may be resubdivided or further subdivided if the subdivision or the remainder parcel or tract of land is:

(i) Within a priority funding area as defined in Title 5, Subtitle 7B of the State Finance and Procurement Article; and

(ii) Designated for public sewerage service within 10 years in the approved water and sewer plan.

(5)(i) A tract or parcel of land may be subdivided into a residential minor subdivision in Tier II, Tier III, or Tier IV areas over time if each time a new lot or parcel is created, the subdivision plat states the number of new lots, plats, building sites, or other divisions of land that are left with the number of lots, plats, building sites, or other divisions of land allowed as a subdivision.

(ii) Except as provided in subparagraph (iii) of this paragraph, when the tract or parcel of land that is subdivided over time reaches the total number of lots, plats, building sites, or other divisions of land that are allowed as a residential minor subdivision, the subdivision plat shall state that:

1. The residential minor subdivision may not be resubdivided or further subdivided;

2. The remainder parcel or tract of land may not be subdivided; and

3. The subdivision plat is subject to State law and local ordinances and regulations.

(iii) A remainder parcel or tract of land may be subdivided for nonresidential agricultural purposes, including a farm market, agricultural processing facility, or creamery, and the owner may apply for approval of an on-site sewage disposal system to serve the nonresidential agricultural purposes.

Subdivision of property used for agricultural activities

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(m)(1) In this subsection, "agricultural activities" includes:

(i) Plowing, tillage, cropping, seeding, cultivating, and harvesting for the production of food and fiber products; and

(ii) The grazing of livestock.

(2) A local jurisdiction may enact a local law or ordinance for the transfer of the right to subdivide, up to 7 lots, by an owner of property used for agricultural activities to the owner of another property used for agricultural activities in accordance with this subsection.

(3) The local law or ordinance shall provide for the recordation of any rights to subdivide that are transferred under this subsection.

(4) A property used for agricultural activities the owner of which receives rights to subdivide under this subsection:

(i) Is limited to a total of 15 lots; and

(ii) Shall cluster the lots on the property.

(5) Rights to subdivide may not be transferred from the owner of property used for agricultural activities in a Tier III area to the owner of property used for agricultural activities in a Tier IV area.

Credits

Added by Acts 1987, c. 612, § 2. Amended by Acts 2012, c. 66, § 6, eff. April 10, 2012; Acts 2012, c. 149, § 1, eff. July 1, 2012; Acts 2012, c. 149, § 3, eff. Oct. 1, 2012; Acts 2013, c. 42, § 1, eff. April 9, 2013; Acts 2013, c. 43, § 1, eff. April 9, 2013; Acts 2013, c. 43, § 5; Acts 2013, c. 136, § 1, eff. Oct. 1, 2013.

MD Code, Environment, § 9-206, MD ENVIR § 9-206
Current through all legislation from the 2017 Regular Session of the General Assembly

End of Document

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Ref No 85

PARCEL 350

Tab	Liber/Folio	Date	Grantor	Grantee
A	1186/491	September 25, 1941	Shipley	Gray
B	6057/879	August 1, 1979	Gray	Silcott
C	6371/696	February 5, 1982	Offutt	Silcott
D	6371/707	February 5, 1982	E. Silcott	E & J Silcott
E	21267/347	October 11, 2004	E & J Silcott	S. Silcott
F	35551/429	October 30, 2014	Silcott	El Paso Colby, Inc.

FOR VALUE RECEIVED NATIONAL LIFE INSURANCE COMPANY HEREBY releasess the within mortgage in witness whereof the National Life Insurance Company has caused this release to be signed by its vice president and by a member of its committee on finance duly authorized and its corporate seal to be hereto affixed at Montpelier Vermont on this 19th day of September 1949
NATIONAL LIFE INSURANCE COMPANY BY RALPH C LIMBER WITNESS VIRGINIA M SARGENT
BY DEANE C DAVIS VICE PRESIDENT member of committee on finance
(Corporate seal)
rec 9-27-49 at 1 PM & exd per T Braden Silsett clerk
rec map & exd per [illegible]

194563) THIS DEED made this 25th day of September in the year one thousand
Paul Shipley & Wf) nine hundred and forty one by and between Paul Shipley and Hermena
Deed To) Shipley his wife of Baltimore County in the State of Maryland par-
Jennie B Gray) ties of the first part and Jennie B Gray of the County and State
U S S $4.40 S S $4.00) aforesaid party of the second part
) WITNESSETH that inconsideration of the sum of five dollars ($5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said party of the second part her heirs and assigns in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described as follows that is to say

BEGINNING for the same at a stone at the end of the north sixty seven and one half degrees east one and six tenths perches line of the whole tract of land which by deed dated August 29 1870 and recorded among the Land Records of Baltimore County in Liber E H A No 69 folio 527 &c was conveyed by Catherine A Fort to Charles Griswold running thence binding on said whole tract two courses and distances north sixty nine and one fourths degrees east seven tenths of a perch north twelve and one fourths degrees east forty one and three tenths perches to a point in or near the centre of the Deer Park Road thence south seventy seven and three fourths degrees east seventeen and one tenths perches to a stone set in the ground on the north side of said road thence running and bounding on the north side of said road and bounding on the land of Wesley Owings and the land of Joshua Shipley south sixty nine degrees east thirteen perches to the given line of Porters Hall thence binding on said line reversely south three fourths degrees west four and four tenths perches thence south eighty nine degrees east sixteen and nine tenths perches binding on Porters Hall to a point in the centre of the aforesaid road thence running and binding on the centre of said road one course and distance and binding on lot 3 south seventy seven degrees east eighteen perches to a corner of said lot and running and continuing to bind on said lot the four following courses and distances south fifteen and three fourth degrees west one and two tenths perches to a stone set in the ground on the south side of said road thence continuing the same course south fifteenand three fourths degrees west sixty six perches to a stone south fifteen and one half degrees west twenty eight perches to a stone and south twenty one degrees west sixty six

BALTIMORE COUNTY CIRCUIT COURT (Land Records) CH: 1186, p: 0491, MSA_CE62_1041, Date available: 01/31/2008. Printed 01/24/2018.
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perches to a stone near a large gum tree and to intersect the west two and four tenths perches line of said whole tract at the end of two perches in said line thence running and binding on said line north eighty nine degrees west thirty and four tenths perches to the end of the said line and to intersect the north fifteen degrees east ninety three perches line of Jones Polly at the and of seven tenths of a perch in said line thence north sixteen degrees east ninety two and three tenths perches to a point south sixteen degrees west two and two tenths perches from a large mulberry tree thence running and bounding on part of the given line of Jones Polly north twenty five degrees west forty six perches to a corner of the land conveyed by Catherine A Port to William Porney and thence bounding on said land north sixty eight and one fourths degrees east one and six tenths perches to the place of beginning Containing fonty five acres two rods and sixteen square perches of land more or less

SAVING AND EXCEPTING therefrom however all that piece or parcel of land containing one and five one hundredths acres more or less which as surveyed by William Whitney County Surveyor on October 20 1932 is described as follows

BEGINNING for the same in the centre of the Deer Park Road at the beginning of the south fifteen and three fourths degree west one and two tenths perches line of that parcel of land which by deed dated February 25 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 507 folio 373 &c was conveyed by Carol J Klingelhoefer and wife to Albert S Dosh running thence binding on said line south eighteen degrees thirty minutes west nineteen and eight tenths feet running thence continuing the same course south eighteen degrees thirty minutes west two hundred twenty four and two tenths feet running thence for lines of division the two following courses and distances viz north sixty eight degrees six minutes west two hundred five and two tenths feet and north twenty one degrees fifty eight minutes east two hundred nineteen and seven tenths feet to the centre of the Deer Park Road aforesaid thence running and binding in the centre of said road south seventy five degrees fifteen minutes east one hundred ninety two feet to the place of beginning Containing one and five one hundredths acres more or less

BEING the same property described in a deed from Albert S Dosh and Martha A Dosh his wife to Paul Shipley et al dated December 31 1932 and recorded among the Land Records of Baltimore County in Liber L McL M No 907 folio 401

SEE ALSO deed from Harry M Shipley unmarried to the within named grantors dated April 11 1936 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 973 folio 185

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said party of the second part her heirs and assigns in fee simple forever

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

WITNESS the hands and seals of the within named grantors

Witness

Raymond L Henry — Paul Shipley (Seal)

Hermena Shipley (Seal)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) CHK 1186, p. 0192, MSA_CE62_1041. Date Available 01/31/2006. Printed 01/24/2018.

STATE OF MARYLAND BALTIMORE CITY to wit

I HEREBY CERTIFY that on this 25th day of September in the year one thousand nine hundred and forty one before me a Notary Public of the State of Maryland in and for Baltimore City aforesaid the undersigned officer personally appeared Paul Shipley and Hermina Shipley his wife the within named grantors known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained and further acknowledged said instrument to be their respective act

IN TESTIMONY WHEREOF I hereunto set my hand and affix my notarial seal

(Notarial Seal) Raymond L Henry

My Commission expires May 3 1943 Notary Public

Recorded Sept 26 1941 at 12.40 P M and exd per Christian H Kahl Clerk

772
19434

Joseph Drozd et al
Deed To
Edward Thomas & Wf
U S S $4.40 S S $3.60
_____

THIS DEED made this 26th day of September in the year one thousand nine hundred and forty one by and between Joseph Drozd unmarried and Walter Dobrzycki both in the City of Baltimore State of Maryland parties of the first part and Edward Thomas and Elizabeth Thomas his wife of the County of Baltimore State of Maryland parties of the second part

WITNESSETH that in consideration of the sum of five ($5.00) dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Joseph Drozd unmarried and Walter Dobrzycki do grant and convey unto Edward Thomas and Elizabeth Thomas his wife their heirs and assigns in fee simple all those lots of ground situate lying and being in Baltimore County State of Maryland and described as follows that is to say

BEING all those lots of ground known and designated as lots Nos four hundred and thirty four (434) four hundred and thirty five (435) four hundred and thirty six (436) four hundred and thirty seven (437) and four hundred and thirty eight (438) as shown on the Plat of Sparrows Point Manor of the Keating Realty Company said Plat being duly recorded among the Land Records of Baltimore County in Plat Book W P C No 5 folio 82

BEING the same lots of ground which by two leases dated respectively March 10 1934 and June 22 1934 and recorded among the Land Records of Baltimore County in Liber C W B Jr 930 folio 36 and C W B Jr 934 folio 223 were demised and leased by the said Joseph Drozd unmarried to the said Walter Dobrzycki for the term of ninety nine (99) years subject to the payment of an annual ground rent of one cent ($.01) under each of the aforesaid leases The said Joseph Drozd by this deed conveying the annual ground rents of one cent ($.01) each created under the aforesaid leases to the said Edward Thomas and Elizabeth Thomas his wife to the end and intent that the aforesaid rents may be forever merged and extinguished

TOGETHER with the buildings and improvements thereon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in any wise appertaining

TO HAVE AND TO HOLD the described lots of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Edward Thomas and Elizabeth Thomas his wife their heirs and assigns in fee simple

AND the said Joseph Drozd unmarried and Walter Dobrzycki hereby covenant that they have

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B

THIS DEED, Made this 1st day of August, in the year nineteen hundred and seventy-nine, by and between JENNIE B. GRAY, of Baltimore City, State of Maryland, party of the first part, EDWARD N. SILCOTT, of Baltimore County, State of Maryland, party of the second part, and JANICE L. SILCOTT, of Baltimore County, State of Maryland, party of the third part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being Seventy Seven Thousand Eight Hundred Seventy Five Dollars ($77,875.00), this day paid, the receipt whereof is hereby acknowledged, the said JENNIE B. GRAY does grant and convey unto the said EDWARD N. SILCOTT, for and during the term of his natural life, subject to and with the powers and limitations hereinafter set forth and from and immediately after the death of the said Edward N. Silcott as to so much thereof as shall not have been disposed of in execution of the powers hereinafter set forth unto JANICE L. SILCOTT, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE Schedule A attached hereto and being a part hereof for a complete legal description of the property.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT, for and during the term of his natural life, with full power unto him during his natural life to sell, mortgage, lease, or dispose of the whole or any part of said property in any manner whatsoever (except by Last Will and Testament) and without the consent of any person or persons whatsoever, applying unto himself and for his own use any and all

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0879, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

of the proceeds of any sale or sales, mortgage or mortgages, lease or leases, and without the necessity of any purchaser, mortgagee, or lessee to see to the application of the purchase, mortgage, or rent money, it being the intention hereof that the exercise of any of the powers hereinbefore stated shall operate not only upon the life estate hereby created in favor of the said Edward N. Silcott, but also upon the estate in remainder as hereinafter provided, and from and immediately after the death of the said Edward N. Silcott as to so much thereof as shall not have been disposed of in execution of the aforesaid powers unto and to the use and benefit of the said JANICE L. SILCOTT, her personal representatives and assigns, in fee simple.

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

AS WITNESS the hand and seal of said Grantor.

WITNESS:

Barbara H. Laine

Jennie B. Gray (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, That on this 1st day of August, 1979, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JENNIE B. GRAY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Henry B. Peck, Jr.
Notary Public

NOTARY PUBLIC Baltimore

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0880, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0881, MSA_CE62_5912. Date available 12/29/2005. Printed 01/21/2018.

SCHEDULE A ATTACHED TO AND COMPRISING A PART OF DEED DATED AUGUST 1, 1979 FROM JENNIE B. GRAY TO EDWARD L. SILCOTT.

BEGINNING for the same at a "PK" nail set in the approximate centerline of Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557, Folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 257.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, Folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) South 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, Folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198

from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line of land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed, (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

FOR title of the said Jennie B. Gray, see Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber G.H.K. No. 1186, folio 491 from Paul Shipley and Hermena Shipley, his wife, portions of the above described parcel of land having been hostilely, actually, visibly, exclusively, continuously, and under claim of title, possessed by the said Jennie B. Gray for a period of time in excess of twenty years.

TOGETHER with the right to the use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et Ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK"nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0882, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0883. MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

BEING a portion of the property which by Deed dated December 26, 1941 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1198, folio 471 was granted and conveyed by Walter G. Warfield and wife unto the said Jennie B. Gray, in fee simple.

* * *

Rec'd for record AUG 6 1979 at 11 1-M
Per Elmer H. Kahline, Jr., Clerk
Mail to Cook, Howard & Tal
Receipt No. 18 80

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THIS DEED, made this 5th day of February, 1982, by and between MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY, Successor Trustee under Deed of Trust from Nancy J. Offutt, as hereinafter set forth, and Mercantile-Safe Deposit and Trust Company, Successor Trustee under the Last Will and Testament of Emily J. Offutt, as hereinafter set forth, and Juliet Berry Iglehart Offutt, Grantors; and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees.

WHEREAS, by Deed dated September 6, 1898, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 234 folio 322, Noah E. Offutt, Trustee, conveyed to Milton W. Offutt, a parcel of land located on Deer Park Road in the Second Election District of Baltimore County, as more particularly described therein; said Deed also referred to "and being part of the land conveyed by John Henry Yox and wife to Milton W. Offutt, by Mortgage dated January 6, 1888, and recorded among the Mortgage Records of Baltimore County in Liber J.W.S. No. 135 folio 96, even though that parcel of land was included in foreclosed Mortgage; and

WHEREAS, by Deed dated September 6, 1898, and recorded among the Land Records aforesaid in Liber N.B.M. No. 234 folio 235, the said Milton W. Offutt conveyed to Ann Margaret Yox, two parcels of land therein particularly described, the second parcel containing 45 acres, 2 roods and 16 square perches, more or less; and referred to as being part of the parcel contained in the aforementioned Deed from Noah E. Offutt, Trustee, to the said Milton W. Offutt; said Deed omitted reference to that part of the land referred to in the aforesaid Deed from Noah E. Offutt to the said Milton W. Offutt; and

WHEREAS, by mesne conveyances said parcel of land was conveyed by Paul Shipley and wife to Jennie B. Gray, by Deed dated September 25, 1941, and recorded among the Land Records aforesaid in Liber C.H.K. No. 1106 folio 491; and

WHEREAS, by Deed dated August 1, 1979, and recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6057 folio 879, the said Jennie B. Gray conveyed the parcel of land referred to in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox (N.B.M. No. 234/235) to Edward N. Silcott for life, with powers as therein set forth, and with remainder over after his death, in default of

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK 2.16.82 DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE DATE 2-16-82

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per
Authorized Signature
Date 2-16-82 Sec. 11-85-1

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0696. MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

the complete exercise of said powers of disposition, to the said Janice L. Silcott, in fee simple; said Deed included that portion of land omitted in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox; and

WHEREAS, the said Milton W. Offutt acquired title to a parcel of land containing 45 square perches, more or less, located on the south side of Deer Park Road by Deed dated July 26, 1899, and recorded among the Land Records aforesaid in Liber N.B.M. No. 238 folio 552, from Ann R. Murray and husband; said parcel lying between the center line of Deer Park Road and the fifth and sixth lines of the Deed from Paul Shipley and wife to Jennie B. Gray, dated September 25, 1941, and recorded among the Land Records aforesaid in Liber C.H.K. No. 1186 folio 491. Said parcel of land being also included in the aforesaid Deed from the said Jennie B. Gray to Edward N. Silcott, et al.; and

WHEREAS, the said Milton W. Offutt departed this life on or about the year 1903, intestate, leaving surviving him as his heirs at law, Emily J. Offutt, his widow, and two children, Nancy J. Offutt and Milton J. Offutt; and

WHEREAS, Nancy J. Offutt, also known as Nancy Jenkins Offutt, by Deed dated November 25, 1914, and recorded among the Land Records aforesaid in Liber W.P.C. No. 434 folio 417, conveyed all of her interest in the property in the estate of her father, Milton W. Offutt to Safe Deposit and Trust Company of Baltimore, in trust for the uses and purposes therein set forth, and conferred upon her said Trustee, power of sale, with the consent of said Nancy J. Offutt; and

WHEREAS, the said Emily J. Offutt departed this life on or about October 7, 1933, leaving a Last Will and Testament, duly admitted to probate by the Orphans' Court of Baltimore City, which Will is now of record in the Office of the Registar of Wills of Baltimore City in Wills Liber 177 folio 483, whereby she devised the rest, residue and remainder of her estate and property, real and personal, to Safe Deposit and Trust Company of Baltimore, in trust of the uses and purposes therein set forth, and conferred upon her said Trustee, full power of sale; and

WHEREAS, the said Milton J. Offutt departed this life on or about December 16, 1961, and by his Last Will and Testament, duly admitted to probate by the Orphans' Court of Anne Arundel County and now of record in the Office of the

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0697, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Register of Wills for Anne Arundel County in Wills Liber G.M.N. No. 2 folio 47, whereby he devised the rest, residue and remainder of his estate, real and personal, to his wife, the said Juliet Berry Iglehart Offutt, absolutely and in fee simple, provided she be living at the time of his death; and

WHEREAS, the above named Grantors are the holder of the legal title to the properties hereinafter described; and

WHEREAS, through inadvertance, the parcel of land hereinafter firstly described, although included in the aforesaid Mortgage to Milton W. Offutt and in the Deed from Noah E. Offutt, Trustee to the said Milton W. Offutt, was omitted in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox and in mesne conveyances down to the aforesaid conveyance to Jennie B. Gray. However, said parcel of land, as well as the parcel of land contained in the aforesaid Deed from Ann R. Murray to the said Milton W. Offutt, was included in the aforesaid Deed from Jennie B. Gray to Edward N. Silcott, et al.; and

WHEREAS, the said Grantors, with the consent of Nancy J. Offutt, have agreed to convey the properties hereinafter described unto the said Edward N. Silcott, et al., in the same manner and estate as granted and conveyed by the said Jennie B. Gray to the said Edward N. Silcott, et al., therefore, these presents are executed.

NOW, THEREFORE, THIS DEED WITNESSETH, that in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said Marcantile-Safe Deposit and Trust Company, Successor Trustee under the two instruments hereinabove referred to, Juliet Berry Iglehart Offutt and Nancy J. Offutt do hereby grant and convey unto the Edward N. Silcott, for and during the term of his natural life, subject to, and with the powers and limitations, and with remainder over as set forth in the aforesaid Deed from Jennie B. Gray to Edward N. Silcott, dated August 1, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879, his, her or their personal representatives and assigns, in fee simple, all those two parcels of land situate and lying in the Second Election District of Baltimore County, Maryland which, according to a survey and description prepared by Richard William Lowe, Property Line Surveyor, on or about July 23, 1981, is described as follows:

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0698, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Parcel No. 1

BEGINNING for the same at a point where the south side of Deer Park Road existing 30 feet wide, intersects the 13th or north 30 degrees 28 minutes 22 seconds west 823.79 foot line of the conveyance from Jennie B. Gray to Edward N. Silcott, by Deed dated August 1, 1979, recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning being distant south 30 degrees 26 minutes 02 seconds east 13.18 feet from a "P.K." Nail found just south of the centerline of the aforementioned Deer Park Road; thence leaving said point of beginning so fixed and running with and binding along the south side of said Deer Park Road, as now surveyed, (1) North 89 degrees 32 minutes 25 seconds east 120.78 feet, (2) South 87 degrees 22 minutes 41 seconds east 264.03 feet, and (3) South 80 degrees 16 minutes 03 seconds east 145.84 feet to intersect the east boundary of land secondly described in a deed from Ephrain Triplett to Adam J. Frederick by deed dated July 10, 1889 recorded among the Land Records of Baltimore County in Liber E.H.A. No. 63 folio 276; thence leaving the south side of Deer Park Road and running with and binding along the said east boundary of the said Frederick Property; across a portion of aforementioned Edward Silcott property as now surveyed, (4) South 07 degrees 23 minutes 12 seconds west 651.49 feet, (5) South 63 degrees 46 minutes 38 seconds West 11.55 feet, and (6) South 63 degrees 01 minutes 38 seconds west 26.40 feet to a point marking the beginning of the aforementioned 823.79 feet line as now surveyed, (7) North 30 degrees 26 minutes 02 seconds West 810.61 feet to the point of beginning. Containing in all 4.414 acres of land, more or less.

Parcel No. 2

BEGINNING for the same at a point on the South side of Deer Park Road existing 30 feet wide, said point of beginning being distant North 86 degrees 49 minutes 09 seconds West 155.90 feet from a "P.K." Nail found marking the end of the 4th or South 83 degrees 25 minutes 01 seconds East 105.01 feet line of the conveyance from Jennie B. Gray to Edward N. Silcott by Deed dated August 1, 1979 recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; thence leaving said point of beginning so fixed and running across a portion of the said Silcott Property, as now surveyed; (1) South 85 degrees 34 minutes 51 seconds West 226.55 feet, to the beginning of the lot of ground which by Deed dated July 26, 1899, and recorded among the Land Records aforesaid in Liber N.B.M. No. 238 folio 552, was conveyed by Ann R. Murray and Husband to Milton W. Offutt, thence binding reversely on a part of the last line of said lot (2) North 03 degrees 40 minutes 09 seconds West 45.97 feet to intersect the South side of said Deer Park Road; thence running with and binding along the South side of said Deer Park Road as now surveyed, (3) South 82 degrees 55 minutes 13 seconds East 230.58 feet to the point of beginning. Containing in all 0.120 acres of land, more or less.

BEING a part of the land conveyed by Jennie B. Gray to Edward N. Silcott by Deed dated August 1, 1979 recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; and being also a part of the aforesaid land conveyed by Ann R. Murray and husband to Milton W. Offutt.

The said Nancy J. Offutt unites herein solely for the purposes of authorizing the said Trustee to execute these presents.

To Have and To Hold, the above described lots of ground unto and to the use of the said Edward N. Silcott, for and during the term of his natural life, subject to and together with the powers set forth in the aforesaid deed from Jennie B. Gray to Edward N. Silcott, et al., dated August 1, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057

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folio 879, his, her or their personal representatives and assigns, in fee simple.

And the said Juliet Berry Iglehart Offutt does hereby covenant that she will execute such further assurances of said property as may be requisite.

The Grantors herein hereby certify, in accordance with Article 81, Section 278-A of the Code of Maryland, that they have neither received nor will they receive any cash or other valuable consideration of any kind for the transfer of the title to the above captioned properties.

As Witness, the hand and seal of the duly authorized Officer of Mercantile-Safe Deposit and Trust Company, Successor Trustee as aforesaid, and the hand and seal of Juliet Berry Iglehart Offutt.

WITNESS:

Mercantile-Safe Deposit and Trust Company, Successor Trustee under Deed of Trust from Nancy J. Offutt.

By _____ (SEAL)
Vice President

Mercantile-Safe Deposit and Trust Company, Successor Trustee under the Last Will and Testament of Emily J. Offutt.

By _____ (SEAL)
Vice President

_____ (SEAL)
Juliet Berry Iglehart Offutt

_____ (SEAL)
Nancy J. Offutt, Also known as Nancy Jenkins Offutt.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, who acknowledged himself to be the Vice President of Mercantile-Safe Deposit and Trust Company, as hereinabove set forth, and that he, as such Vice President, being authorized so to do, executed the aforegoing instrument for the purposes therein contained by signing, in my presence, the name of said Corporation, Trustee, as Vice President.

AS WITNESS, my hand and Notarial Seal.

_____
Notary Public

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0700, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

STATE OF MARYLAND, ~~ANNE ARUNDEL~~ CARROLL COUNTY, to wit:

I HEREBY CERTIFY, that on this 25 day of February, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Juliet Berry Iglehart Offutt, one of the above named Grantors, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS, my hand and Notarial Seal.

Notary Public

MY COMMISSION EXPIRES JULY 1, 1982

BARRY HUGHES NOTARY PUBLIC CARROLL CO., MD.

Rec'd for record FEB 24 1982 at 11 26 A.M.
Per Elmer F. Kahline, Jr., Clerk
Mail to J. Barry Hughes Esq.
Receipt No. [illegible]

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0701, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

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.30% P.C.W.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0707, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

THIS DEED, Made this 5th day of February, 1982, by and between EDWARD N. SILCOTT, Grantor and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees and THE FIRST NATIONAL BANK OF MARYLAND.

WITNESSETH: That in consideration of the sum of Five ($5.00) Dollars, the payment, receipt and sufficiency of which are hereby acknowledged, the said EDWARD N. SILCOTT does grant and convey unto the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, in fee simple, all of those parcels of ground situate, lying and being in Baltimore County, Maryland, and described as follows, that is to say:

SEE ATTACHMENT "A" FOR LEGAL DESCRIPTION

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns the survivor of them, and the personal representatives of the survivor, forever, in fee simple.

AND, the Grantor hereby covenants that he has not done, suffered to be done any act, matter or thing whatsoever to

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE [illegible] DATE 2/1/82

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
[illegible] 2/1/82
CLERK DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [illegible]
Authorized Signature
Date 2/1/82 Sec. 11-65 A

encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.

The First National Bank of Maryland, holders of First and Second Deeds of Trust on Parcel 4 join in this conveyance for the sole purpose of permitting the within transfer without the acceleration of the obligations secured by said Deeds of Trust.

Witness the hands and seals of the Grantor.

Witness

EDWARD N. SILCOTT (SEAL)

THE FIRST NATIONAL BANK OF MARYLAND

Witness JoAnna M. Keller

BY: Philip E. Stackhouse
Philip E. Stackhouse
Vice President

STATE OF MARYLAND, COUNTY OF _____ to wit:

I HEREBY CERTIFY that on this ___ day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared EDWARD N. SILCOTT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained, and he further made oath in due form of law that the actual consideration paid for the within transfer is $0.00.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF Baltimore to wit:

I HEREBY CERTIFY that on this 17th day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Philip E. Stackhouse, known to me (or satisfactorily proven) to be the Vice President of The First National Bank of Maryland, and who in his capacity acknowledged to me that he executed the within instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public Jessie W. Hilsberg

My Commission Expires: 7/1/82

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0708, MSA CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Attachment "A"

PARCEL 1: Containing 4.414 acres of land, and

BEING the same lot of ground identified as "Parcel No. 1", which by deed of even date and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 2: Containing .120 acres of land, more or less, and

BEING the same lot of ground identified as "Parcel No. 2" which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 3: Containing 42.06 acres of land, more or less,

BEING the same lot of ground which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Harry Shapiro, et al., to the within Grantor.

PARCEL 4: Containing 48.6187 acres of land, more or less, together with the right to the use in common with others entitled thereto of a right of way to Oakland Road; and

BEING the same lot of ground which by deed dated August 1, 1979, and recorded among the aforesaid Land Records in Liber E.H.K. Jr. No. 6057, folio 879 was granted and conveyed from Jennie B. Gray to the within Grantor.

The Grantor executes this deed in exercise of the powers set forth in the above described deeds, and intends to create fee simple estates in the Grantees as to each parcel hereby conveyed.

Rec'd for record FEB 24 1982 at 1 P.M.
Per Elmer J. Kahline, Jr., Clerk
Mail to J. Barry Hughes
Receipt No. 1300

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0709, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

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BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 21267, p. 0347, MSA_CE62_21122. Date available 01/26/2005. Printed 01/24/2018.

THIS DEED MADE THIS October 11, 2004, by and between Edward N. and Janice L. Silcott, Sole Owners, party of the first part, GRANTOR; and Steven Silcott, sole owner, party of the second part, GRANTEE.

Witnesseth, that for no consideration, the said GRANTOR, does grant and convey to the said GRANTEE, sole owner, its heirs, representatives and assigns, in fee simple all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

All that lot of ground situation and lying in Baltimore County, State of Maryland and described as follows:

Being known as Parcel Number 1 in the deed from Mercantile Safe Deposit and Trust Company as trustees and Juliet Berry Iglehart Offutt to Edward and Janice Silcott, said deed dated February 5, 1982 and recorded among the land records of Baltimore County at Liber 6371, page 696, E.H.K.Jr. 02075 80370
Tax Account No. ~~02758037~~0.
And with legal description as follows:

BEGINNING for the same at a point where the south side of Deer Park Road existing 30 feet wide, intersects the 13th or north 30 degrees 28 minutes 22 seconds west 823.79 foot line of the conveyance from Jennie B. Gray to Edward N. Silcott, by Deed dated August 1, 1979, recorded among the land records of Baltimore County in Liber E.H.K., Jr. No. 6057 folio 879; said point of beginning being distant south 30 degrees 26 minutes 02 seconds east 13.18 feet from a "P.K." Nail found just sought of the centerline of the aforementioned Deer Park Road; thence leaving said point of beginning so fixed and running with and binding along the sought side of said Deer Park Road, as now surveyed, (1) North 89 degrees 32 minutes 25 seconds east 120.78 feet, (2) South 87 degrees 22 minutes 41 seconds east 264.03 feet, and (3) South 80 degrees 16 minutes 03 seconds east 145.84 feet to intersect the east boundary of land secondly described in a deed from Ephrain Triplett to Adam J. Frederick by Deed dated July 10, 1889 recorded among the land records of Baltimore County in Liber E.H.A. No. 63, Folio 276; thence leaving the south side of Deer Park Road and running with and binding along the said east boundary of the said Frederick Property; across a portion of aforementioned Edward Silcott property as now surveyed, (4) South 07 degrees 23 minutes 12 seconds west 651.49 feer, (5) South 63 degrees 46 minutes 38 seconds West 11.55 feet, and (6) South 63 degrees 01 minutes 38 seconds west 26.40 feet to a point marking the beginning of the aforementioned 823.79 feet line as now surveyed, (7) North 30 degrees 26 minutes 02 seconds West 810.61 feet to the point of beginning. Containing in all 4.414 acres of land, more or less.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said GRANTEE its heirs, representatives and assigns, in Fee Simple.

AND the said grantor hereby covenants that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 12-23-04

REVIEWED SDAT
BY 12/23/04
DATE

same as may be requisite.

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

Edward Silcott, Grantor

Janice Silcott, Grantor

STATE OF MARYLAND

To wit:

COUNTY OF Baltimore

I HEREBY CERTIFY that on this October 11, 2004, before me personally appeared persons who identified themselves to me by satisfactory proof as being Edward and Janice Silcott and did execute the foregoing Deed for the purposes therein contained, by affixing their signatures to same.

Notary Public

JACQUELINE RAPP NOTARY PUBLIC BALTIMORE COUNTY, MD

My Commission Expires:

10-1-07

This is to certify that the within Deed was prepared by an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Samuel Sperling

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0021267 SM

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ■ County: Balto.

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Circuit Court Clerk Recording Validation

LIEN FD SURE $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rec'd BA15 Rcpt # 18628
SH DH Blk # 1974
Jan 12, 2005 03:53 PM

1 Type(s) of Instruments — ☐ Check Box if addendum Intake Sheet is Attached

☒ Deed; ☐ Deed or Trust; ☐ Mortgage; ☐ Lease; ☐ Other ____; ☐ Other ____

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]; ☐ Unimproved Sale Arms-Length [2]; ☐ Multiple Accounts Arms-Length [3]; ☒ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation: ____
State Transfer: to son
County Transfer: ____

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 0	Transfer Consideration	$
Any New Mortgage	$	X Transfer Tax Rate	%
Balance of Existing Mortgage	$	Less Exemption Amount	$
Other:	$	Total Taxable Tax	$
Other:	$	Recordation Tax Consideration	$
		X Recordation Rate @ $.5000	$
Full Cash Value:	$ 0	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

Agent: Agent
Tax Bill: ____
C.B. Credit: ____
Tax/Other: ____

reviewed SDAT

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District (1a)	Property Tax ID No. (1b)	Grantor Liber/Folio	Map (3a)	Parcel No. (3b)	Var. LOG (3c)
02	02-07-580370		57	350	☐

Subdivision Name (2)	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref. (3d)	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 6136 Deer Park Rd

Other Property Identifiers (if applicable): ____ Water Meter Account No.: ____

Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount: ____

Partial Conveyance? ☒ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred: 4.419 acres

If Partial Conveyance, List Improvements Conveyed: none

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Edward N. Silcott Juanita L. Silcott	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Steven Silcott	

New Owner's (Grantee) Mailing Address: same as property

9 Other Names to Be Indexed

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

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: c/o Ed Silcott
Firm: 6136 Deer Park Rd
Address: Reisterstown, MD 21136
Phone: ( )

☒ Return to Contact Person
☐ Hold for Pickup
☒ Return Address Provided

11 IMPORTANT: BOTH THE GRANTOR AND GRANTEE MUST SIGN A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify: ____
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Annotated Verification ☐ Whole ☐ Part ☐ Trans. Process-Verification

Transfer Number: ____ Date Received: ____ Deed Reference: ____ Assigned Property No.: ____

Year	20	20	Geo	Map	Sub	Block	
Land			Zoning	Grid	TAX ID REQUIRED	Lot	
Buildings			Use	Parcel	Director of Budget and Finance	Occ. Cd.	
Total			Town/Cd	Ex	BALTIMORE COUNTY, MARYLAND		

REMARKS: ____

☒ COUNTY TRANSFER TAX Per ____ Sec 33-139

☒ RECORDATION TAX Per ____ T.P. ART 12-108

Date 12/30/04

Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Goldenrod - Preparer

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File #. 861594
Tax ID #s: 02-0207580370&
02-1900007120

DEED, FEE SIMPLE

THIS DEED made this 30th day of October, 2014 by and between Edward N. Silcott, party of the first part, Grantor and El Paso Colby, Inc., a Delaware corporation, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum Two Million Four Hundred Thousand dollars and Zero cents ($2,400,000.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which are hereby acknowledged, the said party of the first part does grant and convey to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple, all those lots of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERE TO AND MADE APART HEREOF

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

TO HAVE AND TO HOLD the said described lots of ground and premises to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple.

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

REVIEWED SDAT
11-12-14
DATE
BY

Agricultural Transfer Tax
Not Applicable - Letter of Intent
Signature KP Date 11/12/14

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0429, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

WITNESS the hand(s) and seal(s) of Grantor.

TEST:

(Seal)
Edward N. Silcott, Grantor

STATE OF Maryland, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 30th day of October, 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Edward N. Silcott, known to me (or satisfactorily proven) to be the subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public

ELI J. NEWMAN NOTARY PUBLIC CITY OF BALTIMORE, MD COMMISSION EXPIRES MARCH 3 2015

My Commission Expires: _____

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Eli J. Newman, Esquire

RETURN TO:

Commerce Title Company, Inc.
1777 Reisterstown Road, Suite 200 West
Baltimore, Maryland 21208
(410) 653-4004
File No. 861594

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0430, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0431, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

EXHIBIT "A"
LEGAL DESCRIPTION

File Number: 861594

PARCEL 1- Tax Account # 0207580370

Beginning for the first at a "PK" nail set in the approximate centerline for Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557 folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 287.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the South edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) south 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0432, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, folio 198 from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line and land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

Being Parcel 4 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Thomas and Jennifer Silcott by deed dated November 21, 2000 and recorded among the land records of Baltimore County beginning at Liber 15026 Folio 212, said excluded parcel containing 5.1919 acres of land more or less.

Further Saving and excepting all that parcel of land deeded to Steven Silcott, by deed dated October 11, 2004 and recorded among the land records of Baltimore County beginning at Liber 21267 Folio 347, said excluded parcel containing 4.414 acres of land more or less.

Together with the right to use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0433, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK" nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

PARCEL 2- Tax Account # 1900007120

Beginning for the second at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custar as shown on the unrecorded preliminary subdivision plan of ALVERMAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Rovill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from the Grey Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G No. 4272 folio 253; thence running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91

feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al., thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

Being Parcel 3 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Stephen Silcott, by deed dated January 29, 1993 and recorded among the land records of Baltimore County beginning at Liber 9603 Folio 721, said excluded parcel containing 11.465 acres of land more or less.

The said Janice Silcott departed this life on or about 1/19/06, thereby vesting the absolute fee simple title in and to the herein described property unto Edward N. Silcott, the Grantor herein.

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2014
MARYLAND FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor
Edward N. Silcott

2. Reasons for Exemption

Resident Status
☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence
☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Edward N. Silcott
Name

Signature

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

File No.: 861594
MD Affidavit of Residence

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0435, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

0035551 436

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

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

Nov 12, 2014

ZHP FD SURE 10.00
RECORDING FEE 20.00
TR TAX STATE 12,000.00
TOTAL 12,060.00
Rec't BA05 Rcpt # 6391
ILE Liber 534
Date Received for Circuit Court Clerk Recording Violation

1	Type(s) of Instruments	X Deed	☐ Mortgage	☐ Other:	☐		
		☐ Deed of Trust	☐ Lease				
2	Conveyance Type Check Box	X Improved Sale	☐ Unimproved Sale	☐ Mult. Accounts	☐ Not an Arms-Length Sale [9]		
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation					
		State Transfer					
		County Transfer					

4	Consideration Amount		Finance Office Use Only	
	Purchase Price/Consideration	$2,400,000.00	Transfer and Recordation Tax Consideration	
	Any New Mortgage		Transfer Tax Consideration	$
Consideration and Tax Calculations	Balance of Existing Mortgage		X ( )% =	$
	Other		Less Exemption Amount -	$ 36000.00
			Total Transfer Tax =	$
	Other		Recordation Tax Consideration	$ 12000.00
			X ( )% =	$
	Full Cash Value		TOTAL DUE	$

5	Amount of Fees	Doc. 1	Doc. 2	Agent
Rec SDAT	Recording Charge	$20.00	.00	
Fees	Surcharge	$40.00	.00	Tax Bill:
	State Recordation Tax	$12,000.00	.00	
	State Transfer Tax	$12,000.00	.00	C.B. Credit:
	County Transfer Tax (if Applicable)	$36,000.00	.00	
	Other			Ag. Tax/Other:
	Other			

6	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
Description of Property	02	1900007120&0207580370	6371/707			☐

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	Sq. Ft/Acreage (4)

SDAT requires submission of all applicable information. A Maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i)

Location/Address of Property Being Conveyed (2)
6136 Deer Park Rd. Baltimore MD 21136

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☒ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. Of Sq. Ft./Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Transferred From	Edward N. Silcott	
	Doc. 1 - Owner(s) of Records, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Doc. 1 - Grantee(s) Names	Doc. 2 - Grantee(s) Name(s)
Transferred To	El Paso Colby, Inc.	
	New Owner's (Grantee) Mailing Address	
	12120 Esther Lama Dr. S-100, El Paso Tx. 79936	

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

10	Instrument Submitted By or Contact Person	
Contact/Mail Information	Name: Menucha Prince	X Return to Contact Person
	Firm: Commerce Title Company, Inc.	☐ Hold for Pickup
	Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, Maryland 21208	
	Phone: (410) 653-4004	X Return Address Provided

Space Reserved for County Validation

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes	X No	Will the property being conveyed be the grantee's principal residence?	
☐ Yes	X No	Does transfer include personal property? If yes, identify:	
☐ Yes	X No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

ACCOUNT NO 1900007120

RECEIPT # 498.24 11/12/2014 DELN
Tax/Recordation TAXES
CASH SHIL SAH
Distribution/Copy: Clerk's Office
11/13/2014 11/12/2014 12:46:15 8
SDAT Office of Finance
BUSINESS ACTUAL TIME IRM
Prepare

498,000.00
$.00 CA
County, Maryland

DUPLICATE PAID RECEIPT

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0436, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

Lot No 4

PARCEL 258

Tab	Liber/Folio	Date	Grantor	Grantee
A	2769/491	August 31, 1955	Pratt	WM H. Smith Company, Inc.
B	3412/467	September 8, 1958	WM H. Smith Company, Inc.	Kirby
C	3854/119	June 13, 1961	WM H. Smith Company, Inc.	The Grey Dawn Development Co., Inc.
D	4272/253	September 20, 1963	The Grey Dawn Development Co., Inc.	Kirby
E	5010/021	April 23, 1968	Hettleman (Assignee for The Grey Dawn Development Co., Inc.)	Prudential Savings and Loan, Inc.
F	5010/024	April 23, 1968	Prudential Savings and Loan, Inc.	Oletsky, Selko & Falk
G	5428/757	January 30, 1974	Selko	Kalis
H	6160/536	April 17, 1980	Kalis & Falk	Bearman & Shapiro
I	6371/702	?, ?, 1982	Bearman & Shapiro and Oletsky	Silcott
J	9603/721	January 29, 1993	Silcott	Silcott
K	35551/429	October 30, 2014	Silcott	El Paso Colby, Inc.

LIBER 2769 PAGE 491

Form 3047
THE MARYLAND TITLE GUARANTEE COMPANY—DEED IN FEE.

This Deed, *Made this* 31st *day of* August

in the year one thousand nine hundred and fifty-five, by and between, DOUGLAS M. PRATT AND DOROTHY I. PRATT, his wife, of Baltimore County, in the State of Maryland, parties of the first part; and WM. H. SMITH COMPANY, INC., a body corporate, duly incorporated under the Laws of the State of Maryland, party of the second part.

Witnesseth, *that in consideration of the sum of* Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said party of the second part, its successors and assigns,

[redacted] *in fee simple, all* ----------that---------- *lot of ground situate in* ----Baltimore County---------, *in the State of Maryland, and described as follows, that is to say:*

BEGINNING for the same in the center of Deer Park Road at the beginning of third line of the first parcel of land which by Deed dated October 14, 1910 and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111 was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said third line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet; thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed, the two following courses and distances viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by the party of the first part to the Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157; thence binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 25 degrees 33 minutes 10 seconds West 773.84 feet thence still binding on said land conveyed to the Mayor and City Council of Baltimore North 61 degrees 34 minutes 50 seconds West 1378.83 feet to the North 45 degrees 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to the parties of the first part herein dated 10/16/36 and recorded among the Land Records aforesaid in CWB Jr. No. 985, folio 378 and thence binding on said line North 45 degrees 44 minutes East 1410.82 feet to the end of said line and thence binding on the last line in the Deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning. Containing 83.89 acres of land more or less.

BEING the same lot of ground described in a Deed from Jennie B. Gray, widow to the within named Grantors, dated April 30, 1952 and recorded among the Land Records of Baltimore County in Liber GLB No. 2104, folio 200.



LIBER 2769 PAGE 492

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold, the said lot ___ of ground and premises, unto and to the use of the said party of the second part, its successors and assigns, in fee simple forever.
Subject to the legal operation and effect of a Mortgage to Baltimore National Bank from Douglas M. Pratt and Dorothy I. Pratt, his wife, dated July 24, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2330, folio 412.

And the said ---------- Grantors ---------- hereby covenant that they have not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby granted; that they will warrant specially the property hereby granted and conveyed, and they will execute such further assurances of said land as may be requisite.

Witness : the hands and seals of the within named Grantors.

WITNESS:

George C. Wiedersum
GEORGE C. WIEDERSUM

Edward C. Golder
EDWARD C. GOLDER

Douglas M. Pratt (SEAL)
Douglas M. Pratt

Dorothy I. Pratt (SEAL)
Dorothy I. Pratt

State of Maryland, Baltimore City, to wit:

I HEREBY CERTIFY, that on this 31st day of August in the year one thousand nine hundred and fifty-five before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City County, personally appeared DOUGLAS M. PRATT and DOROTHY I. PRATT, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notarial seal.

George C. Wiedersum
GEORGE C. WIEDERSUM Notary Public.
My Commission Expires May 6, 1957

Rec'd for record Sept 1 1955 at 1:30 P. M.
Per George L. Bo[illegible] Clerk.
Mailed to The Title Guar. Co.

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0 16622 80002 7

B

FEE-SIMPLE DEED—CODE—City or County—19

LIBER 3412 PAGE 467

This Deed, Made this 8th day of September

in the year one thousand nine hundred and fifty-eight - -, by and between WM. H. SMITH COMPANY, INC., a body corporate, duly incorporated under the Laws of the State of Maryland, of the first part, and CARL J. KIRBY and JANET M. KIRBY, his wife, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, - the said WM. H. SMITH COMPANY, INC. - - -

to the right with a radius of 50.00 feet for a distance of 72.97 feet to a pipe (said curve being subtended by a chord bearing south 65 degrees 47 minutes 39 seconds east 66.67 feet) and south 23 degrees 59 minutes 02 seconds east 209.00 feet to a pipe thence leaving the westerly line of the proposed 50 foot road secondly mentioned above south 28 degrees 47 minutes 56 seconds west 679.54 feet to a pipe thence south 81 degrees 48 minutes 50 seconds west 568.80 feet to a pipe thence north 05 degrees 15 minutes 00 seconds east 229.71 feet to a pipe thence north 45 degrees 44 minutes 00 seconds east 445.00 feet to the place of beginning. Containing 10.1726 acres, more or less. Situate near Deer Park Road, on part of Gray Dawn Farm.

BEING part of the property which by Deed dated August 31, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2769, folio 491, was granted and conveyed by DOUGLAS M. PRATT and DOROTHY I. PRATT, his wife, to WM. H. SMITH COMPANY, INC., the within Grantor.

TOGETHER with the use of the existing road out to Deer Park Road; and



Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground - - - - - -and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said CARL J. KIRBY and JANET M. KIRBY, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple.

And the said party - of the first part hereby covenants that ~~he~~ it has - - - - - - - - not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the ~~hand and seal~~ corporate seal of WM. H. SMITH COMPANY, INC., and the signature of ALBERT H. SMITH President, duly authorized and attested.

TEST:

Andrew M. Bohle
ANDREW M BOHLE

WM. H. SMITH COMPANY, INC. ~~SEAL~~

BY: Albert H. Smith ~~SEAL~~
ALBERT H SMITH President

STATE OF MARYLAND, CITY OF BALTIMORE - - -, to wit:

I HEREBY CERTIFY, That on this 8th day of September in the year one thousand nine hundred and fifty-eight - - - - -, before me, the subscriber, a Notary Public of the State of Maryland, in and for BALTIMORE CITY aforesaid, personally appeared ALBERT H. SMITH President of WM. H. SMITH COMPANY, INC., - - - - - - - -

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FEE-SIMPLE DEED—CODE—City or County—Form 940

LIBER 3854 PAGE 119

This Deed, Made this 13th ~~Ninth~~ day of June

in the year one thousand nine hundred and sixty-one , by and between Wm. H. Smith Company, Inc., a body corporate of the State of Maryland

~~of~~ in the State of Maryland, of the first part, and

The Grey Dawn Development Company, Inc., a body corporate of the State of Maryland

of the second part.

Witnesseth, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, receipt of which is hereby acknowledged,

the said Wm. H. Smith Company, Inc.

does grant and convey unto the said The Grey Dawn Development Company, Inc.,

its successors

~~heirs~~ and assigns, in fee simple, all that lot of the ground, situate, lying and being in

Baltimore County, State of Maryland , aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by Deed dated Oct. 14, 1910 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 369, folio 111, etc., was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958 and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated Oct. 16, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B.Jr.No. 985 folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the Deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning Containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated Sept. 8, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3412, folio 467, etc., was granted and conveyed by the Wm. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outlined on Custer plat and Lots 1, and 3 as outlined on same plat being known as lots 1, and 3 Block A, Section No. 1, Alvermar which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.J.R. No. 26, folio 106.

BEING and intending to convey all that parcel of ground which by Deed dated August 31, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2769-491 was granted and conveyed by Douglas M. Pratt and Dorothy I. Pratt, his wife to the said Wm. H. Smith Company, Inc.

PAID — Baltimore County, Md. — Office of Finance

6-19-61 9921 • 13220 PPF— 148.49
6-19-61 9921 • 13220 PPF— 148.49

PAID — Baltimore County, Md. — Office of Finance

6-19-61 9941 • 13250 PPG— 17.01
6-19-61 9941 • 13250 PPG— 17.01

MISC 3854 PAGE 121

324-2

187

PRELIMINARY SUBDIVI

ALVERM

DEER PARK R

ELECTION DIST. NO. 2 ~ BAL

WM. H. SMITH C

OWNER

GRAY DAWN FARMS - DEE

REISTERSTOWN,

SCALE: 1" = 100'

PROFESSIONAL ENGINEER & LAND SURVEYOR
DAVID JOHN CUSTER
1951
STATE OF MARYLAND

CITY OF BALTIMORE

LIBER 3854 FOLIO 122

ISION PLAN

MAR

ROAD

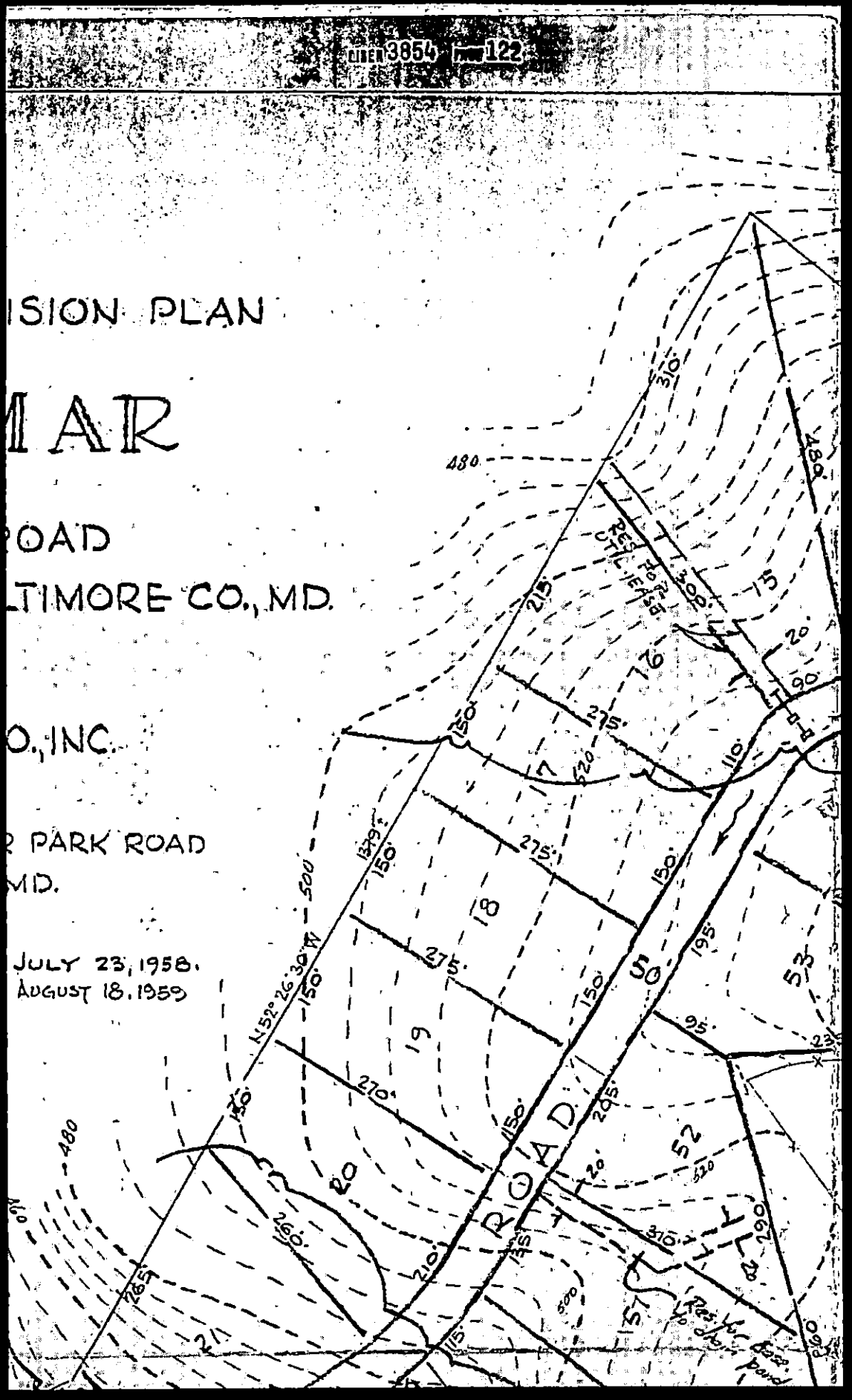
LTIMORE CO., MD.

O., INC.

R PARK ROAD

MD.

JULY 23, 1958.
AUGUST 18, 1959



GRAY
DAWN
CATE
LYCETT
ISAAC
LASKADE
435'
264'
480
500
520
540
560
580
600
620
640
660
680
700
720
740
760
780
800
820
840
860
880
900
920
940
960
980
1000
1020
1040
1060
1080
1100
1120
1140
1160
1180
1200
1220
1240
1260

NOTES

...ography as shown based on Reisterstown ...drangle, Army Map Service. Datum is mean sea level. ...sent zoning is R-6 Lots as shown have minimum ...rage width of 150' and a minimum area of 40,000 sq.ft. ...lot dimensions are scaled only.

TENTATIVE APPROVAL FOR SECTION ONE ONLY

...NING

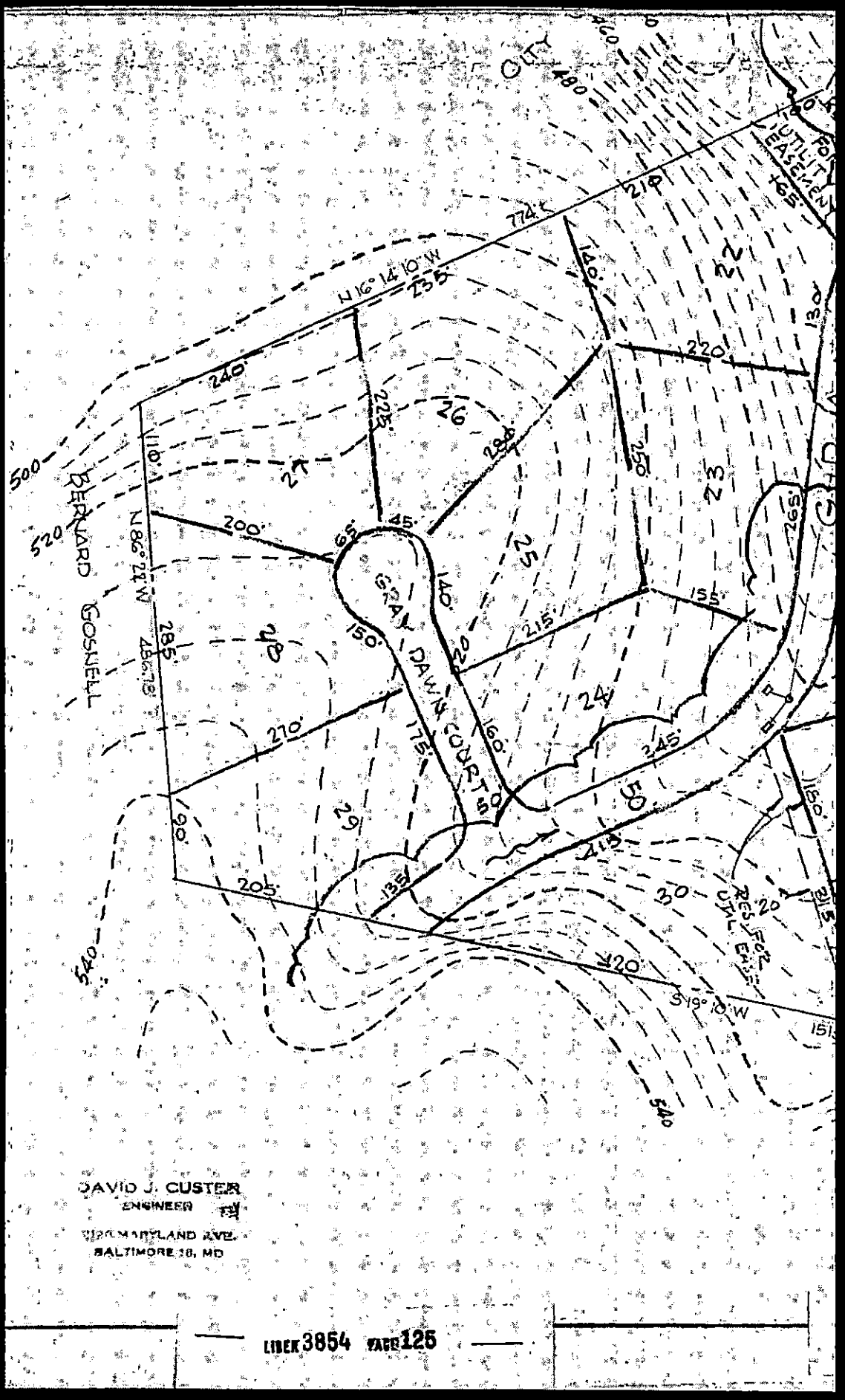
...CATE FRONT ...DING LINE

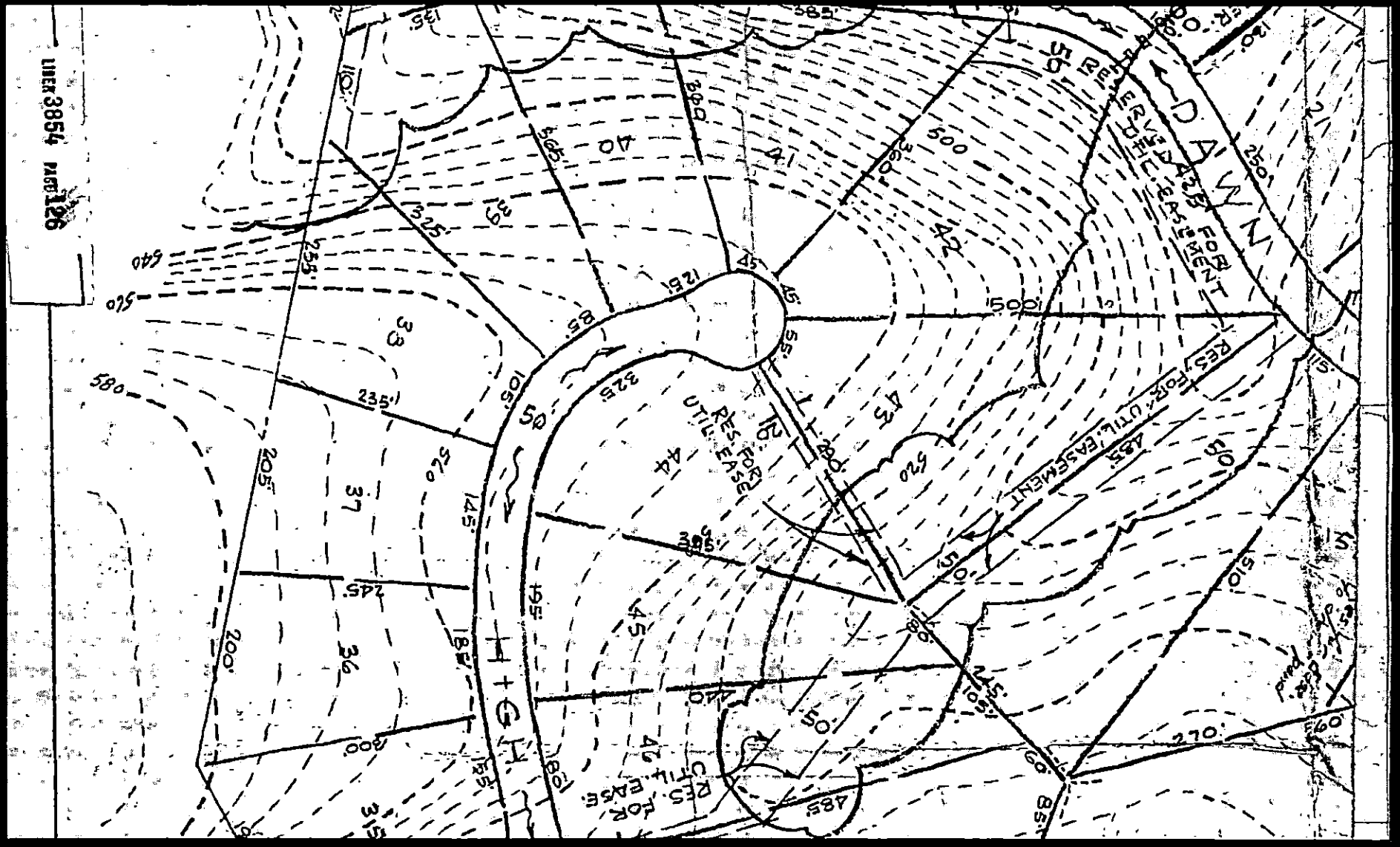
Baltimore County
JOINT SUBDIVISION PLANNING COMMITTEE
OF THE OFFICE OF PLANNING AND DEPT OF PUB. WORKS
Tentatively Reviewed (Date) Aug. 20, 1959
Chairman J. FRED OFFUTT
Member Edward L. Gussio

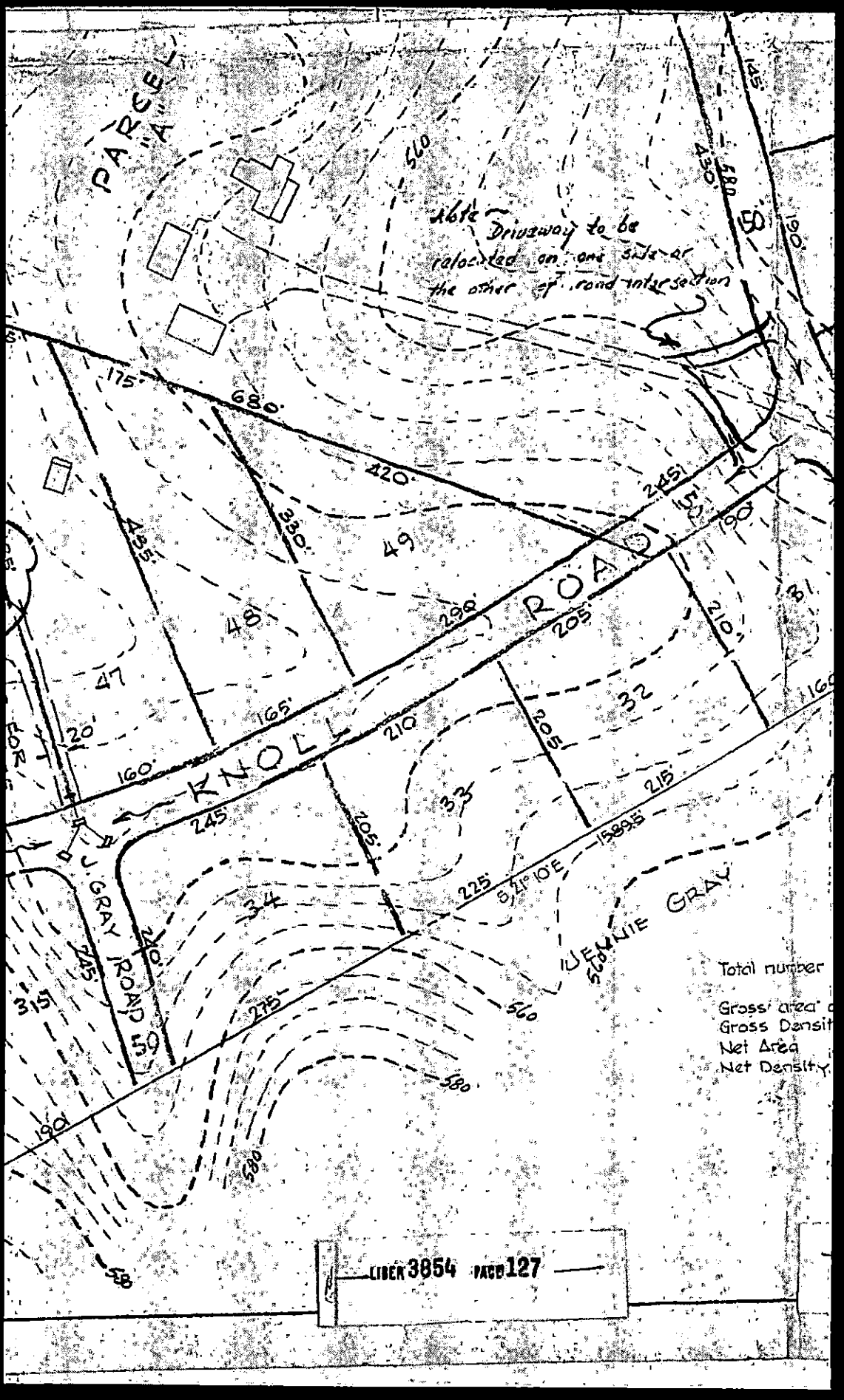
BALTIMORE COUNTY OFFICE OF PLANNING
Tentatively Approved (Date) SEPT. 11, 1959
Director MALCOLM H. DILL

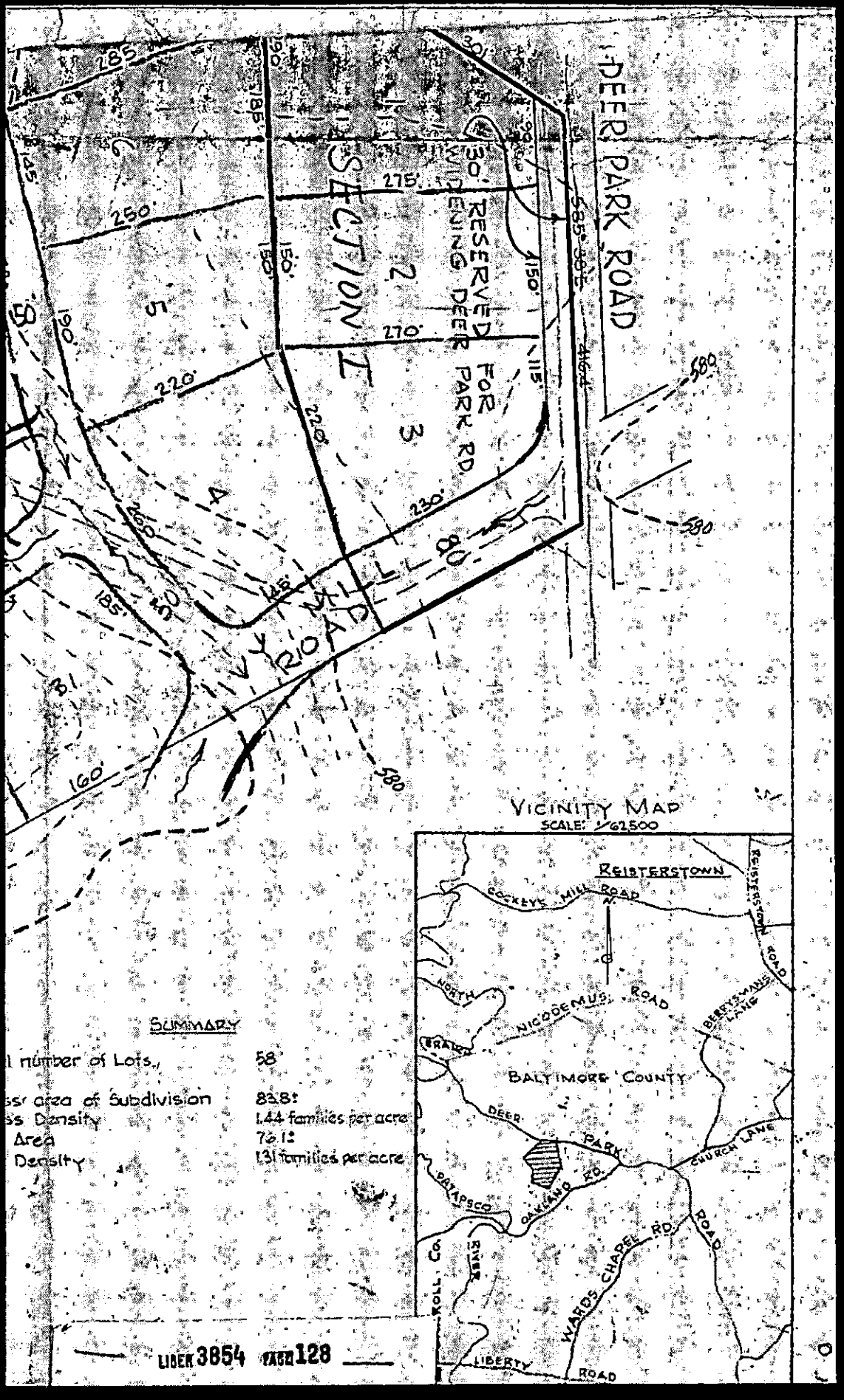
DEPARTMENT OF PUBLIC WORKS
Bureau of Engineering
Tentatively Approved for Street Alignment and Location Only.
Location & Size of Water, Sewer & Storm Drain Facilities, including Highway plans, subject to approval of Construction Drawings.
(Date) SEPT. 15, 1959
Chief Bureau of Engr ELLSWORTH N. DIVER

200'
100'
105'
N 38°48' E
335'
30'
285'
290'
185'
DEER P...


BERNARD GOSNELL
GAIL DAWN COURT
50'
N 16° 14' 10" W
235'
N 86° 24' W
285'
256.78'
774'
240'
200'
140'
150'
175'
160'
270'
205'
290'
215'
155'
245'
415'
135'
120'
540'
500'
520'
460'
480'
220'
265'
1180'
N 19° 0' W
151'
DAVID J. CUSTER
ENGINEER
MARYLAND AVE.
BALTIMORE 18, MD


LIBER 3854 PAGE 126
35' RESERVED FOR PUBLIC EASEMENT
DAWN
RES. FOR UTIL. EASEMENT
RES. FOR UTIL. EASE.
RES. FOR UTIL. EASE.
HIGH
36
37
41
42
44
45
50'
60'
270'
200'
205'
235'
245'
325'
360'
400'
500'
520'
540'
560'
580'
585'


CARELL
ROAD
KNOLL
J. GRAY ROAD 50
JEANNIE GRAY
Note Driveway to be relocated on one side or the other of road intersection
Total number
Gross area
Gross Density
Net Area
Net Density
LIBER 3854 PAGE 127


DEER PARK ROAD
RESERVED FOR PARK RD.
SECTION 2
SECTION 1
SECTION 3
SECTION 4
SECTION 5
SECTION 6
SECTION 7
SECTION 8
SECTION 9
SECTION 10
SECTION 11
SECTION 12
SECTION 13
SECTION 14
SECTION 15
SECTION 16
SECTION 17
SECTION 18
SECTION 19
SECTION 20
SECTION 21
SECTION 22
SECTION

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground ~~aforesaid~~ above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

The Grey Dawn Development Company, Inc.

its successors ~~heirs~~ and assigns, in fee simple.

And the said party of the first part hereby covenant that ~~he~~ it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Patricia Lee Willinger

WM. H. SMITH COMPANY, INC.

By: Albert H. Smith (SEAL)
Albert H. Smith, Pres.

(SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 13th day of June, in the year one thousand nine hundred and sixty-one, before me, the subscriber, a Notary Public of the State of Maryland, in and for City of Baltimore aforesaid, personally appeared Albert H. Smith, President of Wm. H. Smith Company, Inc.

the above named grantor, and he acknowledged the foregoing Deed to be corporate act.

As Witness my hand and Notarial Seal.

Patricia Lee Willinger — Notary Public.

Rec'd for record JUN 19 1961 at 2 P M.
Per Walter J. Rasmussen, Clerk
Mail to David J. Shellenberger
Receipt No. 176438 — $23-

KLEER-FAX RECYCLED

80000 SERIES
30% P.C.W.

THIS DEED, Made this 20th day of September in the year nineteen hundred and sixty-three, by and between THE GREY DAWN DEVELOPMENT COMPANY, INC. a body corporate of the State of Maryland, of the first part, and CARL J. KIRBY and JANET M. KIRBY, his wife of Baltimore County, State of Maryland, of the second part.

WHEREAS by Contract of Sale dated July 26, 1958 and recorded among the Land Records of Baltimore County in Liber WJR 3501 folio 174 from Wm. H. Smith, Inc. to Carl Kirby and Janet M. Kirby Provision #5 therein provided "In the event Ivy Mill Road and that part of Gray Dawn Road which reaches the acreage sold have not been completed within 3 years from date hereof, the seller will convey to the buyer the 80 foot strip to Deer Park Road (Ivy Mill Road on "the plan") together with Lot 4 as shown on "the plan" in fee-simple with no restrictions whatsoever" and

WHEREAS by Deed dated June 13, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3854 folio 119 the hereinafter described property and hereinabove referred to property in the aforesaid Contract of Sale was granted and conveyed by Wm. H. Smith Company, Inc. unto The Grey Dawn Development Company, Inc. and

WHEREAS by Order of the Circuit Cout of Baltimore County dated April 25, 1962 as passed in the case entitled "Carl Kirby and Janet M. Kirby vs. Wm. H. Smith Company, Inc. etal (Equity Docket 71 folio 217 Case No. 47195) it was ordered there for the grantor herein to convey pursuant to the terms of the aforementioned Contract of Sale the hereinafter described property unto the grantees herein.

WITNESSETH, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part doth grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows,

BALTIMORE COUNTY CIRCUIT COURT (Land Records) RRG 4272, p. 025 ... 4272_4127; Date available 08/1... Printed 01/25/2018.

according to a survey prepared by C. A. Myers, Registered Surveyor, that is to say:

B

BEGINNING for the same at a point in the centerline of Deer Park Road at the end of 323.93 feet in the first line of a Deed dated August 31, 1955 and recorded among the Land Records of Baltimore County in Liber GLB No. 2769 folio 491 etc. was conveyed by Douglas M. Pratt and wife to William H. Smith Co., Inc. thence binding on said first line and running in or near the center of Deer Park Road, south 85 degrees 38 minutes 00 seconds east 92.47 feet to the end thereof, thence running and binding on part of the second line in the above mentioned Deed, south 21 degrees 10 minutes 00 seconds east 421.99 feet, thence by a line of division as now surveyed, south 50 degrees 09 minutes 57 seconds west 283.50 feet and to intersect the south 23 degrees 59 minutes 02 seconds east 209.00 foot line in a Deed from Wm. H. Smith Co.Inc. to Carl J. Kirby and wife, dated September 8, 1958 recorded in Liber GLH No. 3412 folio 467 etc. thence binding on that Deed reversely the three following lines, north 23 degrees 59 minutes 02 seconds west 13.62 feet, thence on a curve to the left with a radius of 50 feet for a distance of 72.97 feet (said curve being subtended by a chord bearing north 65 degrees 47 minutes 39 seconds west 66.67 feet), thence by a curve to the right with a radius of 625.00 feet for a distance of 3.90 feet (said curve being subtended by a chord bearing south 72 degrees 32 minutes 27 seconds west 3.90 feet) thence by a line of division, north 17 degrees 08 minutes 06 seconds west 280.38 feet to the southwest corner of Lot No. 3, Block A as shown on the plat of Section 1, Alvermar, recorded in Liber WJR No. 26 folio 106, thence binding on Lot No. 3 the two following lines, north 81 degrees 16 minutes 31 seconds east 222.89 feet to a concrete monument and north 21 degrees 21 minutes 00 seconds west 201.35 feet to a concrete monument, thence continuing the same course, north 21 degrees 21 minutes 00 seconds west 58.29 feet to the place of beginning, containing two acres and three hundred forty-eight one thousandths of an acre (2.348) of land more or less.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple.

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

WITNESS the corporate seal of THE GREY DAWN DEVELOPMENT COMPANY, INC. and the signature of ALBERT H. SMITH its President.

TEST

Robert T. Frankton

Robert T. Frankton

THE GREY DAWN DEVELOPMENT COMPANY, INC.

By Albert H. Smith

ALBERT H. SMITH President

TRANSFER TAX NOT REQUIRED
3-5-64-Rec 6-Sec 12-G
Norman W. Wood
Director of Finance

Per: F. H. Schluenbach
Authorized Signature

The Grey Dawn Development Co. Inc. Maryland Corporation

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

On this 20th day of September 1963, before me, a Notary Public of said State, personally appeared Albert H. Smith,

President of The Grey Dawn Development Company, Inc. known to me, (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that he executed the same for the purpose therein contained, as the duly authorized President of said corporation, by signing the name of the corporation by himself as President.

AS WITNESS my hand and Notarial Seal.

Robt T. Frankton
Robert T. Frankton, Notary Public

My commission expires June 3rd 1965.

Rec'd for record MAR 6 1964 at 3:57 P M
Thos. Robert P. Gill, Clerk
Mail to Wm. E. Hammond
Receipt No. 91461 $ 7.50

(NO TITLE EXAMINATION MADE OR REQUESTED)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) RRG 4272, p. 0255, MSA_CE62_4127. Date available 08/14/2006. Printed 01/25/2018.

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m

BALTIMORE COUNTY CIRCUIT COURT (Land Records) TG 5010, p. 0021, MSA_CE62_4865. Date available 12/13/2005. Printed 01/24/2018.

ATTORNEYS' OR MORTGAGEES' DEED—58



This Deed, Made this 23rd day of April

in the year one thousand nine hundred and sixty eight by Eugene Hettleman

Assignee as hereinafter set forth.

WHEREAS, at a public sale made the 1st day of December

in the year one thousand nine hundred and sixty seven by the said Eugene Hettleman

in pursuance of the special power and authority vested in him as assignee

in and by a certain mortgage from Grey Dawn Development Company, Inc.

to Prudential Savings and Loan Association, Inc.,

bearing date of the 13th day of June in the year one thousand nine

hundred and sixty one and recorded among the Land Records of Baltimore County

in Liber WJR No. 3854 Folio 130 , which sale was made

after default had occurred under said mortgage, and after due public notice of sale, and after bond had

been duly filed in the Circuit Court of Baltimore County (Docket 83 fol 281)

the parcel of land and premises hereinafter described, being the property by said mortgage conveyed,

was sold unto Prudential Savings & Loan, Inc.

who was then and there a bidder, at and for the sum of fifty thousand

dollars, and the sale having been duly reported to

and ratified by the said court, and the purchase money paid, as is hereby acknowledged, the said

Eugene Hettleman, Assignee is in law duly authorized to execute a deed for

the property to the purchaser.

NOW THEREFORE THIS DEED WITNESSETH, That the said Eugene Hettleman,

Assignee as aforesaid, in consideration of the premises

and of the sum of one dollar to him by the grantee paid, in execution of the power and authority in

him vested by the said mortgage, do es grant and convey unto the said

Prudential Savings & Loan, Inc. all the right, title and

interest of the said parties to said mortgage

or of those claiming by, from or under th em , in and to all th at lot or parcel

of ground situate and lying in Baltimore County aforesaid,

and particularly described as follows: Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by Deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said deed the two following courses and distances, viz: South 19 degrees

PAID 5 5 88 JUN 30 250.00 MSC

10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951, and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the Land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr., No. 985, folio 378, etc. and thence binding on said line North 45 degrees 444minutes East 1553.33 feet to the end of said line and thence binding on the last line in the Deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the Wm. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and 3, as outlined on same plat being known as Lots 1,2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26 folio 106.

Savings and excepting therefrom so much as was conveyed by Grey Dawn Development Co to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0022, MSA_CE62_7885. Date available 12/13/2015. Printed 01/24/2018

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0023, MSA_CE62_4865. Date available 12/13/2005. Printed 01/24/2016.

TOGETHER with the improvements thereon, and the rights and appurtenances thereto belonging or appertaining., including a right of way of necessity to Deer Park Road over the last mentioned conveyance.

TO HAVE AND TO HOLD the above granted property unto the said Prudential Savings & Loan, Inc., its successors & ~~xxxx~~ and assigns.

AS WITNESS my hand and seal the day and year first above written.

Test:

Paul Jacobs

Paul Jacobs

Eugene Hettleman [SEAL]

Eugene Hettleman

[SEAL]

STATE OF MARYLAND, CITY OF BALTIMORE: , to wit:

I Hereby Certify, that on this 23rd day of April in the year one thousand nine hundred and sixty eight before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Eugene Hettleman, Assignee and he acknowledged the aforegoing Deed to be his act.

Paul Jacobs

Paul Jacobs, Notary Public

Rec'd for record JUN 30 1969 at 9 25 A.M.
Per Orville T. Gosnell, Clerk
Mail to Eugene Hettleman
Receipt No. 254702 $ 9.50

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Paper from responsible sources

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"ALL PARTIES: COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 024, MSA_CE64_4865. Date available 12/13/2005. Printed 3/01/2020."

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 23rd day of April

in the year one thousand nine hundred and sixty eight , by and between

Prudential Savings & Loan, Inc. a body corporate

of Baltimore County in the State of Maryland, of the first part, and

Samuel Cletsky, Irvin Selko and Richard Falk, of Baltimore City

of the second part.

Witnesseth, That in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Prudential Savings & Loan, Inc.,

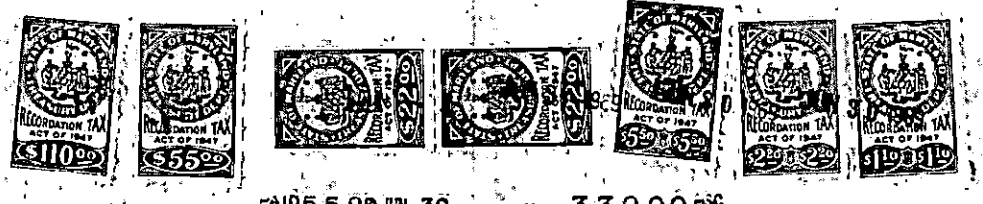
do es grant and convey unto the said Samuel Cletsky, Irvin Selko and Richard Falk,

as tenants in common, their

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in

Baltimore County , aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 16 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.



PAID 5598 JUN 30 330.00 MSC

SAVING AND EXCEPTING therefrom; however, that portion of the above described parcel of ground which by Deed dated September,8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., wasgranted and conveyed by the WM. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and3, as outlined on same plat being known as Lots 1,2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106/

Savings and excepting therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grew Dawn Development Co to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

Being the same property in a deed to said grantor from Eugene Hettleman, Assignee, immediately prior hereto.

...IRCUIT COURT (Land Records) TIF 5010,p 0025, SA_GLB_3412, 4/8/5 Date available 12/19/2005 Printed 04/24/2019

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining. , including a right of way of necessity to Deer Park Road over the last mentioned conveyance off.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

Samuel Cletsky, Irvin Selko and Richard Falk, as tenants in common,

their heirs and assigns, in fee simple.

And the said party of the first part hereby covenant s that he ha s not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property granted and that its will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Eugene Hettleman

PRUDENTIAL SAVINGS & LOAN, INC.

by: Claude Gerard, President (SEAL)

(SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE: , to wit:

I HEREBY CERTIFY, That on this 23rd day of April in the year one thousand nine hundred and sixty eight , before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Claude Gerard, President of Prudential Savings & Loan, Inc.

the above named grantor , and he acknowledged the foregoing Deed to be the act of said body corporate.

As Witness my hand and Notarial Seal.

Eugene Hettleman Notary Public

Recd for record JUN 30 1969 at 9:26 A.M.

Per Orville T. Cosnell, Clerk

Mail to Eugene Hettleman

Receipt No. 254703 $ 11.50

BALTIMORE COUNTY CIRCUIT COURT (Land Records) TOTG 5010, p. 0026, MSA_CE62_4865. Date available 12/13/2005. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 0757, MSA_CE62_5283. Date available 01/31/2006. Printed 01/24/2018.

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 30 day of January

In the year one thousand nine hundred and seventy-four, by and between IRVIN SELKO

of Baltimore County in the State of Maryland, of the first part, and

SAMUEL D. KALIS, of Baltimore City, State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said IRVIN SELKO

does grant and convey unto the said SAMUEL D. KALIS, his

FEB 28-74 279465 ****46.22
FEB 28-74 279465C ****14.85
FEB 28-74 279464C ****21.87
FEB 28-74 279463C *****9.50

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded amont the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc, was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc., thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

MSO 8 2 FEB 28 65.62 MSC

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the WM. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and 3, as outlined on same plat being known as Lots 1,2, and 3, Block A,Section No 1,Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106/

Savings and excepting therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co. to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

BEING the same property in a Deed to said Grantor, Samuel Oletsky and Richard Falk from Prudential Savings and Loan, Inc., and recorded in the Land Records of Baltimore County in Liber 5010, folio 024, and recorded June 30, 1969.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 0758. MSA_CE62_5283. Date available 01/31/2006. Printed 01/24/2018.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground ----------and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

SAMUEL D. KALIS, his ----------

heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor

TEST:

Sheldon H. Braiterman

Irvin Selko (SEAL)
IRVIN SELKO

(SEAL)

STATE OF MARYLAND, City of Baltimore , to wit:

I HEREBY CERTIFY, That on this 25th day of January in the year one thousand nine hundred and seventy-four ---------- ,before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City ---------- aforesaid, personally appeared IRVIN SELKO----------

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the above named grantor ,and --he--- acknowledged the foregoing Deed to be----------his--act.

As Witness my hand and Notarial Seal.

Rec'd for record FEB 28 1974 at 12 39 P M
Per Elmer H. Kahline, Jr., Clerk
Mail to David H. Fishbourne
Receipt No. ---------- $ 9.50

MARLYN BRAITERMAN NOTARY PUBLIC BALTIMORE, MD.

Marlyn Braiterman
Notary Public.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 0759, MSA_CE62_5283. Date available 01/31/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0536, MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

This Deed, MADE THIS 17th day of April

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

DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK

of Baltimore County and the State of Maryland of the first part, and

HERBERT BEARMAN and HARRY SHAPIRO of Baltimore City, State of Maryland

of the second part.

WITNESSETH, That in consideration of the sum of Forty Three Thousand Three Hundred and Thirty-three Dollars and Thirty-three Cents and other good and valuable considerations, the receipt whereof is hereby acknowledged

the said DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK

do grant and convey to the said HERBERT BEARMAN and HARRY SHAPIRO, as tenants in common, their heirs and assigns,

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

that lot of ground situate in Baltimore County

and described as follows, that is to say:

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 15895.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc., thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 19548, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the WM. H. SMITH Company, Inc. to CARL J. KIRBY and JANET M. KIRBY, his wife being Parcel A as outline on Custer plat and Lots 1, 2, and 3, as outlined on same plat being known as Lots 1, 2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106.

SAVINGS AND EXCEPTING therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 folio 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co. to Carl J. Kirby and wife by deed dated September 20, 1963 and recorded in Liber 4272 folio 253.

BEING the same property in a Deed to Irvin Selko, Samuel Oletsky and Richard Falk from Prudential Savings and Loan, Inc., and recorded in the Land REcords of Baltimore County in Liber O.T.G. 5010, folio 024, on June 30, 1969.

BEING, also, the same property in a Deed dated January 30, 1974 in which Irvin Selko conveyed unto Samuel D. Kalis, now deceased (see Estate #A-14692 Orphans Court of Baltimore City) his one-third (1/3) undivided interest to the subject property, said Deed being recorded in the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5428, folio 757 on February 28, 1974.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0537, MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said HERBERT BEARMAN and HARRY SHAPIRO, as tenants in common, their heirs

personal representatives/successors and assigns, in fee simple.

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

WITNESS the hands and seals of said grantors

Test:

WITNESS

WITNESS

WITNESS

RICHARD FALK (SEAL)

DAVID P. GORDON, personal representative of the estate of SAMUEL D. KALIS (SEAL)

MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS (SEAL)

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 17th day of April in the year one thousand nine hundred and eighty, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK known to me (or satisfactorily proven) to be the persons whose name is/are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

Notary Public

My Commission expires: 7/1/82

Rec'd for record MAY 2 1980 at 10 09 A M
Per Miner H. Kabline, Jr., Clerk
Mail to
Receipt No. $ 15.00

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0538, MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0702, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018

THIS DEED, Made this _____ day of _____, in the year nineteen hundred and eighty-two, by and between HARRY SHAPIRO, HERBERT BEARMAN and SAMUEL OLETSKY, parties of the first part, EDWARD N. SILCOTT, party of the second part and JANICE L. SILCOTT, party of the third part.

WITNESSETH, That in consideration of the sum of Sixty-Seven Thousand Two Hundred Ninety-Six ($67,296.00) Dollars, this day paid, the receipt whereof is hereby acknowledged, the said HARRY SHAPIRO, HERBERT BEARMAN and SAMUEL OLETSKY do grant and convey unto the said EDWARD N. SILCOTT, for and during the term of his natural life, subject to and with the powers and limitations hereinafter set forth and from and immediately after the death of the said EDWARD N. SILCOTT as to so much thereof as shall not have been disposed of in execution of the powers hereinafter set forth unto JANICE L. SILCOTT, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE Schedule A attached hereto and being a part hereof for a complete legal description of the property herein conveyed.

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 2-16-82

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK _____
DATE 2-16-82

B B243****100944** 8168A

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT, for and during the term of his natural life, with full power unto him during his natural life to sell, mortgage, lease, or dispose of the whole or any part of said property in any manner whatsoever (except by Last Will and Testament) and without the consent of any person or persons whatsoever, applying unto himself and for his own use any and all of the proceeds of any sale or sales, mortgage or mortgages, lease or leases, and without the necessity of any purchaser, mortgagee, or lessee to see to the application of the purchase, mortgage, or rent money, it being the intention hereof that the exercise of any of the powers hereinbefore stated shall operate not only upon the life estate hereby created in favor of the said EDWARD N. SILCOTT, but also upon the estate in remainder as hereinafter provided, and from and immediately after the death of the said EDWARD N. SILCOTT as to so much thereof as shall not have been disposed of in execution of the aforesaid powers unto and to the use and benefit of the said JANICE L. SILCOTT, her personal representatives and assigns, in fee simple.

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

AS WITNESS the hands and seals of the Grantors.

WITNESS:

_____ HARRY SHAPIRO (SEAL)

_____ HERBERT BEARMAN (SEAL)

_____ SAMUEL OLERSKY (SEAL)

MORTON I SILBERMAN

STATE OF MARYLAND, _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 198___, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HARRY SHAPIRO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence,

BALTIMORE COUNTY CIRCUIT COURT (Land Records) ERK J. 6374, p. 0703, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Comm. Expires:

STATE OF MARYLAND, _____ to wit:

I HEREBY CERTIFY that on this ___ day of _____ 198__, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HERBERT BEARMAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Comm. Expires:

STATE OF MARYLAND, Baltimore City to wit:

I HEREBY CERTIFY that on this 23rd day of December, 1981, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared SAMUEL OLETSKY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

As WITNESS my hand and Notarial Seal.

Morton L. Silberman
Notary Public
My Comm. Expires:

MORTON L. SILBERMAN
NOTARY PUBLIC
My Commission Expires 1 July, 1983

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK jr, 6371, p. 0704, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Schedule A

Beginning for the same at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that Land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of ALVERMAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Roxill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found, (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from The Grey Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G. No. 4272 folio 253; thence

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0705, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91 feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al.; thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

BEING part of the parcel of land which by Deed dated April 23, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5010 folio 24, was granted and conveyed by Prudential Savings & Loan, Inc. to Samuel Olatsky, et al.; and also part of the parcel of land which by Deed dated April 17, 1980 and recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6160 folio 536, was granted and conveyed by David P. Gordon, et al., Personal Representatives, et al., to Herbert Bearman and Harry Shapiro.

Rec'd for record FEB 24 1982 at 11 25 A M
Per Elmer H. Kahline, Jr., Clerk
Mail to Barry Hughes
Receipt No. L 1 P 2000

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr, 6371, p. 0706, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0707, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

THIS DEED, Made this 5th day of February, 1982, by and between EDWARD N. SILCOTT, Grantor and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees and THE FIRST NATIONAL BANK OF MARYLAND.

WITNESSETH: That in consideration of the sum of Five ($5.00) Dollars, the payment, receipt and sufficiency of which are hereby acknowledged, the said EDWARD N. SILCOTT does grant and convey unto the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, in fee simple, all of those parcels of ground situate, lying and being in Baltimore County, Maryland, and described as follows, that is to say:

SEE ATTACHMENT "A" FOR LEGAL DESCRIPTION

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns the survivor of them, and the personal representatives of the survivor, forever, in fee simple.

AND, the Grantor hereby covenants that he has not done, suffered to be done any act, matter or thing whatsoever to

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE _____ DATE 2/5/82

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK _____ DATE 2/5/82

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
For _____
Authorized Signature
Date 2/5/82 Sec. 11-65

encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.

The First National Bank of Maryland, holders of First and Second Deeds of Trust on Parcel 4 join in this conveyance for the sole purpose of permitting the within transfer without the acceleration of the obligations secured by said Deeds of Trust.

Witness the hands and seals of the Grantor.

Witness

EDWARD N. SILCOTT (SEAL)

THE FIRST NATIONAL BANK
OF MARYLAND

Witness JoAnna H. Keller

BY: Philip E. Stackhouse
Philip E. Stackhouse
Vice President

STATE OF MARYLAND, COUNTY OF _____ to wit:

I HEREBY CERTIFY that on this ___ day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared EDWARD N. SILCOTT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained, and he further made oath in due form of law that the actual consideration paid for the within transfer is $0.00.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF Baltimore to wit:

I HEREBY CERTIFY that on this 17th day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Philip E. Stackhouse, known to me (or satisfactorily proven) to be the Vice President of The First National Bank of Maryland, and who in his capacity acknowledged to me that he executed the within instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Jessie W. Hilseberg

Notary Public Jessie W. Hilseberg

My Commission Expires: 7/1/82

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0708, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2016.

Attachment "A"

PARCEL 1: Containing 4.414 acres of land, and

BEING the same lot of ground identified as "Parcel No. 1", which by deed of even date and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 2: Containing .120 acres of land, more or less, and

BEING the same lot of ground identified as "Parcel No. 2" which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 3: Containing 42.06 acres of land, more or less,

BEING the same lot of ground which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Harry Shapiro, et al., to the within Grantor.

PARCEL 4: Containing 48.6187 acres of land, more or less, together with the right to the use in common with others entitled thereto of a right of way to Oakland Road; and

BEING the same lot of ground which by deed dated August 1, 1979, and recorded among the aforesaid Land Records in Liber E.H.K. Jr. No. 6057, folio 879 was granted and conveyed from Jennie B. Gray to the within Grantor.

The Grantor executes this deed in exercise of the powers set forth in the above described deeds, and intends to create fee simple estates in the Grantees as to each parcel hereby conveyed.

Rec'd for record FEB 24 1982 at 1 P M
Per Elmer J. Kahline, Jr., Clerk
Mail to J. Barry Hughes
Receipt No. 1300

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0709. MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0721, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

DEED -- FEE SIMPLE INDIVIDUAL GRANTOR LONG FORM

Election District _____
Acreage 11.465 +
Liber 6371, Folio 707

This Deed, Made This 29th day of JANUARY

in the year one thousand nine hundred and ninety-three by and between

EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife

of Baltimore County, parties of the first part, and

STEPHEN N. SILCOTT, party

of the second part.

NO TITLE EXAMINATION

Witnesseth, That in consideration of the sum of ZERO DOLLARS (-0-) and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey to the said party of the second part, his

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

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

SEE ATTACHED SCHEDULE "A"

AGRICULTURAL TRANSFER TAX
IF APPLICABLE

SIGNATURE _____ DATE 2/11/93

CLERK'S OFFICE
Assessment Division of
Real Property Valuation
for Baltimore County
2/11/93

Return To:
LLOYD J. HAMMOND, ESQUIRE
616 Main Street
P.O. Box 569
Reisterstown, MD 21136

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0722, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

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

TO HAVE AND TO HOLD the said described lot of ground and premises ~~to the said~~ herein mentioned and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said STEPHEN N. SILCOTT, his

heirs
personal representatives ~~successors~~

and assigns forever, in fee simple.

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

WITNESS the hands and seals of said grantors

Test:

Joan E. Hammond

EDWARD N. SILCOTT (SEAL)

Janice L. Silcott (SEAL)
JANICE L. SILCOTT

STATE OF MARYLAND, BALTIMORE CO., to wit:

I HEREBY CERTIFY, That on this 29th day of JANUARY in the year one thousand nine hundred and ninety-three, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife known to me (or satisfactorily proven) to be the persons whose names ~~is~~/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

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

Joan E. Hammond
Notary Public

JOANN E. HAMMOND NOTARY PUBLIC Baltimore Co., MD

My Commission expires:

June 1 1997

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Floyd D. Hammond

(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0723, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
203 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-3600 RESIDENCE: 771-4584

PROPERTY TO BE CONVEYED BY
EDWARD N. SILCOTT & WIFE
11.465 ACRES ±

December 22, 1992

Beginning for the same at a pipe found at the beginning of the 1st or S 84° 59' 36" W 487.03' line of the land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 702, was conveyed by Harry Shapiro, Herbert Bearman and Samuel Oletsky to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, running thence and binding on the 1st and 2nd lines of the aforesaid deed, as now surveyed, S 84° 59' 36" W 487.03' and N 24° 52' 34" W 774.00', thence leaving said outline and running for a line of division through the property in the aforesaid deed, N 88° 18' 40" E 942.98' to intersect the 10th line of the aforesaid deed at the distance of 700.00' from the end of said 10th line, running thence and binding on a part of the aforesaid 10th line, as now surveyed, S 10° 51' 14" W 700.00' to the place of beginning.

Containing 11.465 Acres of land, more or less and shown on the plat attached hereto and made a part thereof.

Being part of the land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 702, was conveyed by Harry Shapiro, Herbert Bearman and Samuel Oletsky to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, and being also part of the third parcel of land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 707, was conveyed by Edward N. Silcott, Grantor and Edward N. Silcott and Janice L. Silcott, Grantees and The First National Bank of Maryland.

Together with a Right of Way, 20 feet wide, with the use thereof in common with others entitled thereto over the existing road leading from the above described property to Oakland Road, and as shown on the said attached plat, the center line of said Right of Way being described as follows:

SCHEDULE "A"

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0724, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

Beginning for the same at a point in the 4th line of the above described parcel at the distance of 113.81' from the end of said 4th line, said point being also in the 11th or N 10° 51' 14" E 1522.95' line of the land which by deed dated August 1, 1979 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6037, folio 879, was conveyed by Jennie B. Gray to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, at the distance of 113.81' from the beginning of said 11th line, running thence on the center of an existing road through the property in the last mentioned deed the five following courses and distances: 1) S 30° 24' 20" E 9.94'; 2) by a curve to the left with a radius of 100.00' for a distance of 106.39'; 3) N 85° 19' 10" E 115.00'; 4) N 89° 07' 00" E 167.76'; and 5) N 85° 58' 40" E 104.84' to intersect the 9th line of the aforesaid deed, Gray to Silcott, at the distance of 30.74' from the end of said 9th line.

Together also, with the right to the use in common with others entitled thereto of that parcel of land as and for a right of way to Oakland Road, said parcel being described in the aforesaid deed, Gray to Silcott.

Subject to the "Forest Buffer Easement" as shown on said attached plat.

Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated _____ conveying title to, or creating liens or encumbrances upon, real or personal property is offered for recordation in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows: 9 (02) SIC

Space Reserved for Circuit Court Clerk Recording Validation

1 Description of Property (Check box(es) for item(s) to be indexed in land records)

Property Tax ID No.	Lot/Block	Map/Grid/Parcel No.
19-00-007120		
Subdivision/Tract	**Lot Acreage**	**Prior Deed Ref.** VAR. L.G.G.
	11.465	6371/702 6371/707

Street Address (or description if partial conveyance)
11.463 Acres Oakland Rd.

2 Transferred From
Grantor(s) ( ) check box if additional sheets are attached)
EDWARD N. SILCOTT
JANICE L. SILCOTT
Owner of record (if different from grantor)

D RC/F 23.00
DC INP 5.00
DEED 0
SM CLERK 28.00
#55677 C002 R02 T11:
02/16/

3 Transferred To
Grantee(s) ( ) check box if additional sheets are attached)
STEPHEN N. SILCOTT

4 Type of Instrument

X Deed	Assignment of Mtg/DOT	Financing Statement
Deed of Trust	Contract	Other (Specify)
Mortgage	Land Installment Cont.	
Lease	Power of Attorney	

5 Exemptions (Cite authority or explain briefly)
Baltimore County Exempt Status Claimed: Adm + Dnd To Son
Recordation Tax Exempt Status Claimed:
State Exempt Status Claimed:

6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416

Consideration Amount		County Taxes to be Paid
Purchase Price/Consideration (including any new mortgage)	$ -0-	Transfer Tax Consideration
Real Property		$ -0- x 1.6% = $ -0-
Personal Property		
Balance of Assumed Mortgage	none	Office of Finance Use Only
Other		Agent: Tax Bill: Paid
Total Consideration or Assessed Factor	$ -0-	C.B. Credit: Ag. Tax/Other:

7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650

Recordation Fees		Special Recording Instructions (if any)
Recording Charges	$ 28.00	
State Transfer Tax		
County Recordation Tax		
Surcharge		
Other		
Total	$	

8 Contact/Mail Information

Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill
Name: Lloyd J. Hammond	Name: Lloyd J. Hammond	Name: Stephen N.Silcott
Firm: Same		
Address: 616 Main St. Reisterstown,Md. 21136	Address: 616 Main st. Reisterstown,21136	Address: 1724 Oakland Rd. Reisterstown,Md.21136
Phone: 410-833-7576		

9 Certification
I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.
Signature: JoAnn E Hammond Date: 2/10/93

10 Assessment Information (410) 321-2299

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

X Yes	No	Will grantee be living at property conveyed?
Yes	X No	Is grantor currently receiving a homeowners' tax credit?
Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes	No	Partial conveyance? If yes, amount of acreage transferred: 11.465 Ac.
		List improvements conveyed: N/A
		If subdivision occurred after July 1, indicate former property tax ID number:

Optional Expediting Information A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.

Yes No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:

Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):

Location and improvement address:

Space Reserved for County Transfer Tax

BALTIMORE COUNTY, MARYLAND
TRANSFER TAX NOT REQUIRED
Per Sec. 33-139 C
2/10/93
Authorized Signature

Sec. 33-139 C

23

Assessment Use Only - Do Not Write Below This Line

Terminal Verification	Deed Plotter
Agricultural Verification	Deed Reference
Tran. Process Verification	Assigned Property No
Whole ( ) Desc. ( ) Part	

Distribution: White - Clerk's Office \ Canary - Office of Finance \ Pink - SDAT \ Goldenrod - Preparer

AOC-CC-103

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0725, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

File #. 861594
Tax ID #s: 02-0207580370&
02-1900007120

DEED, FEE SIMPLE

THIS DEED made this 30th day of October, 2014 by and between Edward N. Silcott, party of the first part, Grantor and El Paso Colby, Inc., a Delaware corporation, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum Two Million Four Hundred Thousand dollars and Zero cents ($2,400,000.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which are hereby acknowledged, the said party of the first part does grant and convey to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple, all those lots of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERE TO AND MADE APART HEREOF

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

TO HAVE AND TO HOLD the said described lots of ground and premises to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple.

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

REVIEWED SDAT
BY
11-12-14
DATE

Agricultural Transfer Tax
Not Applicable - Letter of Intent
Signature KP Date 11/12/14

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0429, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

WITNESS the hand(s) and seal(s) of Grantor.

TEST:

(Seal)
Edward N. Silcott, Grantor

STATE OF Maryland, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 30th day of October, 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Edward N. Silcott, known to me (or satisfactorily proven) to be the subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public

ELI J. NEWMAN NOTARY PUBLIC CITY OF BALTIMORE MARYLAND COMMISSION EXPIRES MARCH 3 2015

My Commission Expires: _____

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Eli J. Newman, Esquire

RETURN TO:

Commerce Title Company, Inc.
1777 Reisterstown Road, Suite 200 West
Baltimore, Maryland 21208
(410) 653-4004
File No. 861594

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0430, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0431, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

EXHIBIT "A"
LEGAL DESCRIPTION

File Number: 861594

PARCEL 1- Tax Account # 0207580370

Beginning for the first at a "PK" nail set in the approximate centerline for Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557 folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 287.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the South edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) south 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0432, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, folio 198 from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line and land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

Being Parcel 4 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Thomas and Jennifer Silcott by deed dated November 21, 2000 and recorded among the land records of Baltimore County beginning at Liber 15026 Folio 212, said excluded parcel containing 5.1919 acres of land more or less.

Further Saving and excepting all that parcel of land deeded to Steven Silcott, by deed dated October 11, 2004 and recorded among the land records of Baltimore County beginning at Liber 21267 Folio 347, said excluded parcel containing 4.414 acres of land more or less.

Together with the right to use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0433, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK" nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

PARCEL 2- Tax Account # 1900007120

Beginning for the second at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custar as shown on the unrecorded preliminary subdivision plan of ALVERMAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Rovill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from the Grey Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G No. 4272 folio 253; thence running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91

feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al., thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

Being Parcel 3 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Stephen Silcott, by deed dated January 29, 1993 and recorded among the land records of Baltimore County beginning at Liber 9603 Folio 721, said excluded parcel containing 11.465 acres of land more or less.

The said Janice Silcott departed this life on or about 1/19/09, thereby vesting the absolute fee simple title in and to the herein described property unto Edward N. Silcott, the Grantor herein.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0434, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

2014
MARYLAND FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor
Edward N. Silcott

2. Reasons for Exemption

Resident Status
☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence
☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Edward N. Silcott
Name

Signature

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

File No.: 861594
MD Affidavit of Residence

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0435, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

0035551 436

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

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

Nov 12, 2014

THP FD SURC 40.00
RECORDING FEE 20.00
TR TAX STATE 12,000.00
TOTAL 12,060.00
Rcpt# 6805 Rcpt# 6391
JLE Dr. Bk: 35
Date Received for Circuit Court Clerk Recording Violation

1	Type(s) of Instruments	X Deed	Mortgage	Other:			
		Deed of Trust	Lease				
2	Conveyance Type Check Box	X Improved Sale	Unimproved Sale	Mult. Accounts	Not an Arms-Length Sale [9]		
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation					
		State Transfer					
		County Transfer					

4	Consideration Amount		Finance Office Use Only	
	Purchase Price/Consideration	$2,400,000.00	Transfer and Recordation Tax Consideration	
	Any New Mortgage		Transfer Tax Consideration	$
Consideration and Tax Calculations	Balance of Existing Mortgage		X ( )% =	$
	Other		Less Exemption Amount -	$ 36000.00
			Total Transfer Tax =	$
	Other		Recordation Tax Consideration	$ 12000.00
			X ( )% =	$
	Full Cash Value		TOTAL DUE	$

5	Amount of Fees	Doc. 1	Doc. 2	Agent
Rec SDAT	Recording Charge	$20.00	.00	
Fees	Surcharge	$40.00	.00	Tax Bill:
	State Recordation Tax	$12,000.00	.00	
	State Transfer Tax	$12,000.00	.00	C.B. Credit:
	County Transfer Tax (if Applicable)	$36,000.00	.00	
	Other			Ag. Tax/Other:
	Other			

6	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
Description of Property	02	1900007120&0207580370	6371/707			☐

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	Sq. Ft./Acreage (4)

SDAT requires submission of all applicable information. A Maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i)

Location/Address of Property Being Conveyed (2)
6136 Deer Park Rd. Baltimore MD 21136

Other Property Identifiers (if applicable)	Water Meter Account No.

Residential ☐ or Non-Residential ☒ | Fee Simple ☒ or Ground Rent ☐ Amount:
Partial Conveyance? ☐Yes ☒ No | Description/Amt. Of Sq. Ft./Acreage Transferred:
If Partial Conveyance, List Improvements Conveyed:

7	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Transferred From	Edward N. Silcott	
	Doc. 1 - Owner(s) of Records, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Doc. 1 - Grantee(s) Names	Doc. 2 - Grantee(s) Name(s)
Transferred To	El Paso Colby, Inc.	
	New Owner's (Grantee) Mailing Address	
	12120 Esther Lama Dr. S-100, El Paso Tx. 79936	

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

10	Instrument Submitted By or Contact Person		
Contact/Mail Information	Name:	Menucha Prince	X Return to Contact Person
	Firm:	Commerce Title Company, Inc.	☐ Hold for Pickup
	Address:	1777 Reisterstown Road, Suite 200 West, Baltimore, Maryland 21208	
	Phone:	(410) 653-4004	X Return Address Provided

Space Reserved for County Validation

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes	X No	Will the property being conveyed be the grantee's principal residence?	
☐ Yes	X No	Does transfer include personal property? If yes, identify:	
☐ Yes	X No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number:	Date Received:		Deed Reference:		Assigned Property No:	
Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Clerk's Office
SDAT
Office of Finance
Prepare

BUSINESS ACTUAL TIME DRW
11/13/2014 11/12/2014 12:46:15 8
MSA CE62 35407 BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0436, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.
RECEIPT # 448124 11/12/2014 CRLN
RECORDING TAXES
ACCOUNT NO 1900007120
$48,000.00
CK $.00 CA
County, Maryland

DUPLICATE PAID RECEIPT

Ret 2A

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District -** 02 **Account Number -** 1900007120

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	DEER PARK RD 0-0000	**Legal Description:**	30.395 AC DEER PARK RD RER 400 FT IVY MILL RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0258		0000				2016	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			30.2900 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	11,300	11,300		
Improvements	0	0		
Total:	11,300	11,300	11,300	11,300
Preferential Land:	11,300			11,300

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: ARMS LENGTH MULTIPLE	**Deed1:** /35551/ 00429	**Deed2:**
Seller: OLETSKI SAMUEL A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Pet. 2B

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District -** 02 **Account Number -** 0207580370

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	6136 DEER PARK RD 0-0000	**Legal Description:**	34.944 AC SS DEER PARK RD 1320 FT W OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0350		0000				2016	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	11,409 SF	1008 SF	34.9400 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	7 full/ 3 half	2Att/2Det	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	456,500	456,500		
Improvements	1,623,900	1,307,000		
Total:	2,080,400	1,763,500	1,763,500	1,763,500
Preferential Land:	7,700			7,700

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35551/ 00429	**Deed2:**
Seller: SILCOTT EDWARD A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

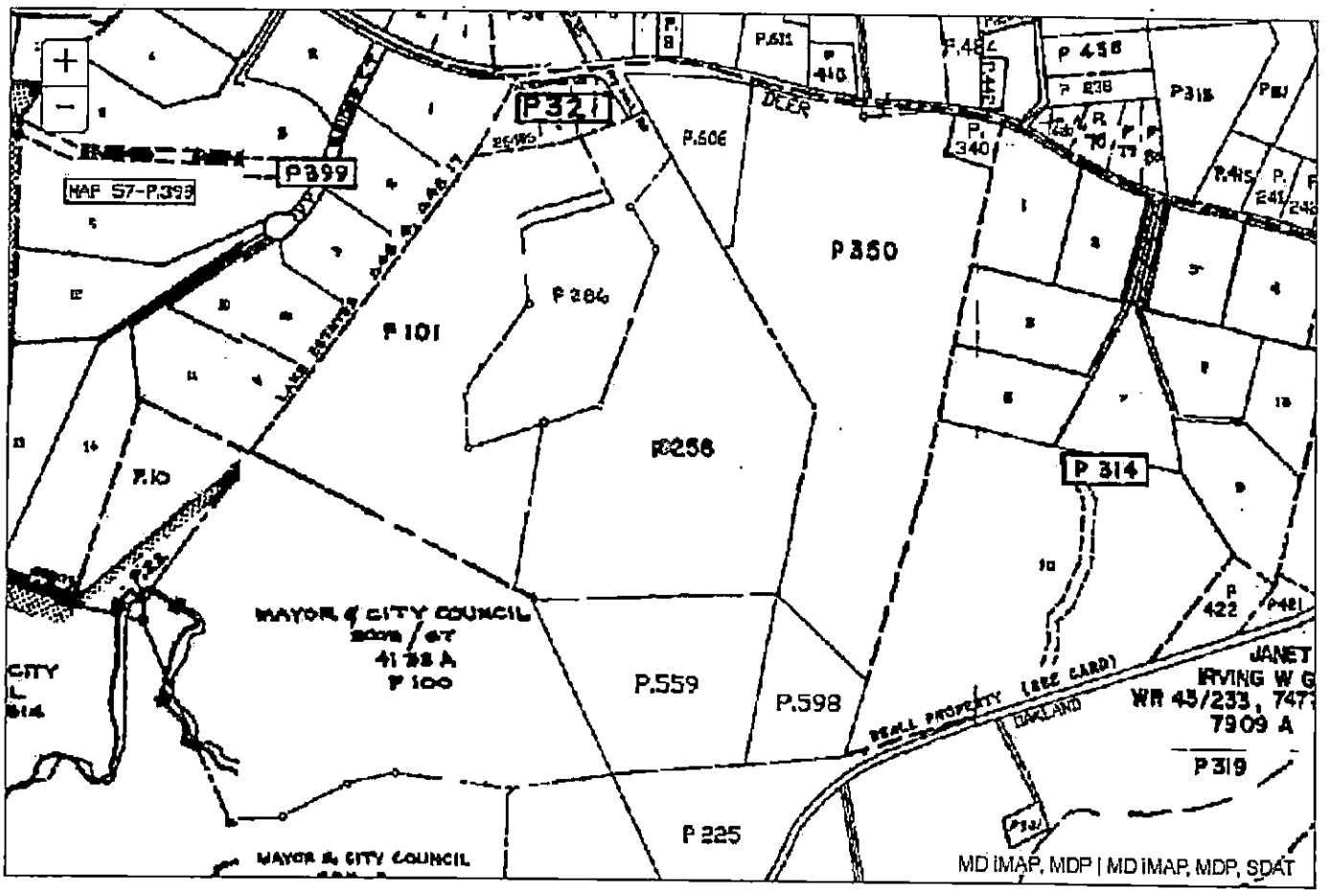
Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

District: 02 Account Number: 1900007120



Plat No 2C

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District -** 02 **Account Number -** 2400009050

Owner Information

Owner Name:	SILCOTT STEVEN SILCOTT NORMA LILIANA	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	6226 DEER PARK RD REISTERSTOWN MD 21136-5909	**Deed Reference:**	/26757/ 00430

Location & Structure Information

Premises Address:	6226 DEER PARK RD 0-0000	**Legal Description:**	4.41 AC 6226 DEER PARK RD COR OF IVY MILL RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0606		0000				2016	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2007	2,360 SF	1880 SF	4.4100 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	YES	STANDARD UNIT	BRICK	3 full	2 Attached	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	100,500	113,900		
Improvements	349,700	378,400		
Total:	450,200	492,300	478,267	492,300
Preferential Land:	0			0

Transfer Information

Seller: SILCOTT STEVEN	**Date:** 03/11/2008	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /26757/ 00430	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 12/04/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

(11)

Lawyers Trust Title Company
File No. **08-234MD**
Tax ID # **02 24-00-009050**

This Deed, made this 25th day of February, 2008, by and between Steven Silcott, party of the first part, Grantor; and Steven Silcott and Norma Liliana Silcott, husband and wife, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of No Dollars 00/100 ($.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Steven Silcott and Norma Liliana Silcott , as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME at a point where the south side of Deer Park Road existing 30 feet wide, intersects the 13th or north 30 degrees 28 minutes 22 seconds west 823.79 foot line of the conveyance from Jennie B. Gray to Edward N. Silcott, by Deed dated August 1, 1979, recorded among the Land Records of Baltimore County in Liber E.H.K.,Jr., No. 6057, folio 879; said point of beginning being distant south 30 degrees 26 minutes 02 seconds east 13.18 feet from a "P.K." Nail found just sought of the centerline of the aforementioned Deer Park Road; thence leaving said point of beginning so fixed and running with and binding along the south side of said Deer Park Road, as now surveyed, (1) North 89 degrees 32 minutes 25 seconds east 120.78 feet, (2) South 87 degrees 22 minutes 41 seconds east 264.03 feet, and (3) South 80 degrees 16 minutes 03 seconds east 145.84 feet to intersect the east boundary of land secondly described in a deed from Ephrain Triplett to Adam J. Frederick by Deed dated July 10, 1889 recorded among the land records of Baltimore County in Liber E.H.A. No. 63, folio 276; thence leaving the south side of Deer Park Road and running with and binding along the said east boundary of the said Frederick Property; across a portion of aforementioned Edward Silcott property as now surveyed, (4) South 07 degrees 23 minutes 12 seconds west 651.49 feet, (5) South 63 degrees 46 minutes 38 seconds west 11.55 feet, and (6) South 63 degrees 01 minutes 38 seconds west 26.40 feet to a point marking the beginning of the aforementioned 823.79 feet line as now surveyed, (7) North 30 degrees 26 minutes 02 seconds West 810.61 feet to the point of beginning. Containing in all 4.414 acres of land, more or less. The improvements thereon being known as No. 6226 Deer Park Road.

BEING the same property, which by Deed dated October 11, 2004, and recorded among the Land Records of Baltimore County, Maryland, in Liber SM No. 21267, folio 347, was granted and conveyed by Edward N. Silcott and Janice Silcott unto Steven Silcott, as sole owner.

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

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Steven Silcott and NormaLiliana Silcott, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

RECEIVED SDAT
3/26/08
DATE
BY

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26757, p. 0430, MSA_CE62_26612. Date available 03/17/2008. Printed 11/20/2017.

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

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

_____ _____ (Seal)
Steven Silcott

STATE OF MARYLAND, COUNTY/CITY OF Baltimore, to wit:

I hereby certify that on this 25th day of February, 2008, before me, the subscriber, a Notary Public of the State aforesaid, County of Baltimore, personally appeared Steven Silcott, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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

Michelle Renae Dorsey
Notary Public
Baltimore County, Maryland

_____
Notary Public
My commission expires: 5/1/08

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

_____
Attorney
DeMarco Q. Davenport
Attorney

AFTER RECORDING, PLEASE RETURN TO:
Lawyers Trust Title Company
901 Dulaney Valley Rd
Suite 708
Towson, MD 21286

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26757, p. 0431, MSA_CE62_26612. Date available 03/17/2008. Printed 11/20/2017.

2008
MARYLAND
FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

Steven Silcott

2. Reasons for Exemption

Resident Status	☒ I, Transferor, am a resident of the State of Maryland. ☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Steven Silcott
Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

07-49

File No. 08-234MD Re: 6226 Deer Park Road, Reisterstown, MD 21136

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26757, p. 0432, MSA_CE62_26612. Date available 03/17/2008. Printed 11/20/2017.

0026757 433

State of Maryland Land Instrument Intake Sheet

[ ] Baltimore City [X] County: Baltimore

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.

(Type or Print in Black Ink Only All Copies Must Be Legible)

IMP FD SURE $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rest BA95 Rcpt # 24324
SM LL Blk # 1282
Mar 11, 2008 02:33 PM

1 Type(s) of Instruments — ( ) Check Box if Addendum Intake Form is Attached.

1	Deed		Mortgage		Other		Other
2	Deed of Trust		Lease				

2 Conveyance Check Box

X	Improved Sale Arms-Length [1]	Unimproved Sale Arms-Length [2]	Multiple Arms Length [3]	Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	Refinance Deed of Trust
State Transfer	Zero Consideration Deed
County Transfer	

4 Consideration and Tax Calculations

Consideration	Amount
Purchase Price/Consideration	$ 0.00
Any New Mortgage	$ 340,000.00
Balance of Existing Mortgage	$ 296,115.25
Other:	$
Other:	$
Full Cash Value	$ 0.00

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
x ( ) % =	$
Less Exemption Amount	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
x ( ) per $500 =	$
TOTAL DUE	$
Agent:	
Tax Bill:	
C.B. Credit:	
Ag. Tax/Other:	

5 Fees — Reviewed SDAT

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 20.00
Surcharge	$ 20.00	$ 20.00
State Recordation Tax	$ 1,700.00	$ 220.00
State Transfer Tax	$ 0.00	$ 0.00
County Transfer Tax	$ 0.00	$ 0.00
Other	$	$
Other	$	$

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
02	24-00-009050	6371/707	57	606	(5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 6226 Deer Park Road, Reisterstown, MD 21136

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential [X] or Non-Residential [ ] | Fee Simple [X] or Ground Rent [ ] | Amount: SN/A

Partial Conveyance? [ ] Yes [X] No | Description/Amt. of SqFt/Acreage Transferred: N/A

If Partial Conveyance, List Improvements Conveyed: N/A

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Steven Silcott	Steven Silcott
	Norma Liliana Silcott
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	Doc. 2 – Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
Steven Silcott	Recontrust Company – Trustee
Norma Liliana Silcott	

New Owner's (Grantee) Mailing Address: 6226 Deer Park Road, Reisterstown, MD 21136

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)
	Countrywide Bank, FSB

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: jrayner.lttc
Firm: Lawyers Trust Title Company
Address: 901 Dulaney Valley Rd, Suite 708, Towson, MD 21286
Phone:

[X] Return to Contact Person
[ ] Hold for Pickup
[ ] Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

[X] Yes [ ] No Will the property being conveyed be the grantee's principal residence?
[ ] Yes [X] No Does transfer include personal property? If yes, identify:
[ ] Yes [X] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only – Do Not Write Below This Line

[ ] Terminal Verification [ ] Agricultural Verification [ ] Whole [ ] Part [ ] Tran. Process Verification

Liber/Folio Number: Date Received: Deed Reference: Assigned Property No.:

Yeardot			Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings	TAX NOT REQUIRED		Use	Parcel	Section	Occupancy	
Total	Director of Budget and Finance		Town Cd.	Ex. St.	Ex. Co.		

REMARKS: BALTIMORE COUNTY, MARYLAND

RECORDATION TAXES
ACCOUNT NO. 24-00-009050
Land $220.00
Buildings
Total
Yeardot
CK $.00
Baltimore County, Maryland

[ ] EXEMPT FROM TRANSFER TAX
Per
ART 11 TITLE 3
SUBTITLE 2, 11-3-202

[ ] EXEMPT FROM RECORDATION TAX
Per
T.P. ART 12-108

Date 3/11/08

MPL LOGIC PAID RECEIPT
ACTUAL TIME
3/11/2008 13:57:04
MAIN DOOL DMD
965 WAIN
3/11/2008 965
RECORDATION TAXES
ACCOUNT NO. 24-00-009050
Land $220.00
Buildings
Total
Yeardot
CK $.00
Baltimore County, Maryland

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26757, p. 0433, MSA_CE62_26612. Date available 03/17/2008. Printed 11/20/2017.

08-234MD

MEMO TO FILE

FROM: LIOYD T. MOXLEY

DATE: 5/4/00

IN A PHONE CONVERSATION WITH WALLY LIPPENCOTT THE FOLLOWING POINTS WERE COVERED

- THE PERMANENT EASEMENT NOTE SHOULD REMAIN AS PER WALLY.
- WALLY AGREES THAT THE TO & FRO CONSERVANCY MUST BE SHOWN.
- APPLICANT MUST APPLY FOR TENANT FARMERS DWELLING PRIOR TO APPROVAL.

Protestant
CBA Exhibit
2

Board of Appeals

Case No: 18-155-SPH Case Name: El Paso Colby.

Exhibit List

Party: People's Counsel Date: 11/8/18

Exhibit No:	Description:
✓ 1	County Dev Manual Policy Manual
2	Sign in Sheet
	VERIFIED BY KC DATE: 11/9/18

BALTIMORE COUNTY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

DEVELOPMENT MANAGEMENT POLICY MANUAL

People's Counsel
CBA Exhibit
1

PDM – POLICY NO. II.a

PROCEDURE FOR MINOR SUBDIVISION

1. Initially, in accordance with the attached filing procedure, 20 copies of the plan should be submitted to the Department of Permits and Development Management (PDM), County Office Building, Room 123, along with the review fee for all minor subdivisions, and the basic filing certification. The processing fees are:

one-lot subdivision	$282
two-lot subdivision	$435
three-lot subdivision	$527

These processing fees are subject to change.

2. Prints will be distributed to the reviewing agencies within three working days to allow for the first review, and will have a 15-workday response deadline. It will be made clear that the responses not received by the deadline will be considered approvals during the final certification review by PDM.

3. The agencies' comments will be returned to the surveyor via the pick-up bin three days after the due date, along with a cover letter outlining the county's commitment and the responsibility of the surveyor for the second plan submission. Contact between the surveyor and the county agencies is encouraged. This will not eliminate the need for subsequent reviews, but could expedite plan approval. The surveyor (and professional engineer, if required) will be responsible for the resolution of agency comments and the submission of the revised plans to PDM.

4. The plans are forwarded to the Zoning Review Office planner who will disperse to the agencies for second review. This person will act as "project manager" for the minor subdivision and should be contacted for all questions regarding the status for the subdivision. The telephone number is 410-887-3391. The second review will also have a 15-workday response deadline.

5. Plan approval must come within one year of submittal or the file will be purged. If the plan is not approved after the third formal review, or if the file is inactive for a period of 90 days, as determined by the planner, the plan will be denied, the file will be purged and returned to the applicant. A new application and fee must be submitted to restart the review process.

6. Once approved, the "project manager" will contact the surveyor to request an original and three prints. These must be submitted to PDM, County Office Building, Room 123.

People's Counsel Sign-In Sheet

Case Name: El Peso Colby Inc
Case No.: 2018-155 SPH
Date: 11-8-18

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to testify	Name	Address	Phone #	Email	Group you represent	Basis of your concerns
	JEFF SMITH	6513 DEER PK RD REIST. 21136	410-526-4367	JSERANI@VERIZON.NET	FOLLY FARMS	ZONING
	FRAN JOCELYN	" " "	410 365-3178	" "	COMMUNITY	"
	Barbara Kuter	1512 Oakland Rd	410 8336503	Tootsiebk@yahoo.com	"	Zoning
	Ray Kuter	" "	"	Raycuda2@gmail.com	"	"
	Thomasine O'Leary	1732 Oakland Rd Reis 21136	410-802-3378	tommy@oleary.me		zoning
	Adriana Hough	3 Folly farm Ct 21136	410-526-3769	adrianaheroncs@net	Follyfarm Community	zoning
	Carolyn Knight	6514 Deer Park Rd	4108487435	knight@umbc.edu	"	limit development to ALJ decision
	Kristen Daub	6609 Deer Park Rd	443-878-5033	Kristen.daub@yahoo.com	"	
	Charles Summerhill	5715 Deer Park Rd	410 591 3143	cjsimmerdeal@aol.com		zoning concern
	MABLE SHERIDAN	6101 Deer Park Rd	410 526-5539	ronsheridan@juno.com	FOLLY FARMS	over development
	CRAIG PHILPS	6201 DEER PARK RD	260 235 8713	cpnch96@gmail.com	"	ZONING
	Kelli Summerhill	1407 Oakland Rd	717-880-6821	drivnlil@verizon.net		Zoning
	Vance Summerhill	6120 Deer Park rd	443-204-3962	Kayaking.stuff@yahoo.com		overdevelopment
	Robt Morgan	6315 Deer Park Rd	410-833-2318	bobmorgan@gmail.com		Zoning - violation of septic
	William & Rebecca Conley	6232 DEER PARK RD	443-255-2192	beckysharpe@yahoo.com		

People's Counsel
CBA Exhibit
2

PARCEL 258

Tab	Liber/Folio	Date	Grantor	Grantee
1	2769/491	August 31, 1955	Pratt	WM H. Smith Company, Inc.
2	3412/467	September 8, 1958	WM H. Smith Company, Inc.	Kirby
3	3854/119	June 13, 1961	WM H. Smith Company, Inc.	The Grey Dawn Development Co., Inc.
4	4272/253	September 20, 1963	The Grey Dawn Development Co., Inc.	Kirby
5	5010/021	April 23, 1968	Hettleman (Assignee for The Grey Dawn Development Co., Inc.)	Prudential Savings and Loan, Inc.
6	5010/024	April 23, 1968	Prudential Savings and Loan, Inc.	Oletsky, Selko & Falk
7	5428/757	January 30, 1974	Selko	Kalis
8	6160/536	April 17, 1980	Kalis & Falk	Bearman & Shapiro
9	6371/702	?, ?, 1982	Bearman & Shapiro and Oletsky	Silcott
10	9603/721	January 29, 1993	Silcott	Silcott
11	35551/429	October 30, 2014	Silcott	El Paso Colby, Inc.

CIRCUIT COURT (Land Records) GLB 2769, p. 491, MSA_CE62_2624. Date available 11/03/2005. Printed 01/24/2018.

Form 5007
THE MARYLAND TITLE GUARANTEE COMPANY—DEED IN FEE.

This Deed, *Made this* 31st *day of* August

in the year one thousand nine hundred and fifty-five, by and between, DOUGLAS M. PRATT AND DOROTHY I. PRATT, his wife, of Baltimore County, in the State of Maryland, parties of the first part; and WM. H. SMITH COMPANY, INC., a body corporate, duly incorporated under the Laws of the State of Maryland, party of the second part.

Witnesseth, *that in consideration of the sum of* Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said party of the second part, its successors and assigns,

~~that and the said parties of the first part do hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances of the same as may be requisite~~ *in fee simple, all* - - -

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold, the said lot - - - of ground and premises, unto and to the use of the said party of the second part, its successors and assigns, in fee simple forever.
Subject to the legal operation and effect of a Mortgage to Baltimore National Bank from Douglas M. Pratt and Dorothy I. Pratt, his wife, dated July 24, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2330, folio 412.

And the said - - - - - - - - - - Grantors - - - - - - - - - - - - - hereby covenant that they have not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby granted; that they will warrant specially the property hereby granted and conveyed, and they will execute such further assurances of said land as may be requisite.

Witness: the hands and seals of the within named Grantors.

WITNESS:

George C. Wiedersum
GEORGE C. WIEDERSUM

Douglas M. Pratt (SEAL)
Douglas M. Pratt

Edward C. Golder
EDWARD C. GOLDER

Dorothy I. Pratt (SEAL)
Dorothy I. Pratt

State of Maryland, Baltimore City, to wit:

I HEREBY CERTIFY, that on this 31st day of August in the year one thousand nine hundred and fifty-five before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City County, personally appeared DOUGLAS M. PRATT and DOROTHY I. PRATT, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notarial seal.

George C. Wiedersum
GEORGE C. WIEDERSUM Notary Public.
My Commission Expires May 6, 1957

Rec'd for record Sept 7 1955 at 1:30 P.M.
Per George L. Byers, Clerk.
Mailed to Title Guarantee Co.

BALTIMORE CIRCUIT COURT (Land Records) SLB 2769, p. 492, MSA_CE62_2624. Date available 1/03/2005. Printed 01/24/2018.

FEE-SIMPLE DEED—CODE—City or County—M

This Deed, Made this 8th day of September

in the year one thousand nine hundred and fifty-eight - -, by and between WM. H. SMITH COMPANY, INC., a body corporate, duly incorporated under the Laws of ~~the~~ - the State of Maryland, of the first part, and CARL J. KIRBY and JANET M. KIRBY, his wife, of Baltimore County, in the State of Maryland, - of the second part.

Witnesseth, that in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, - the said WM. H. SMITH COMPANY, INC. -

doth grant and convey unto the said CARL J. KIRBY and JANET M. KIRBY, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her -

heirs and assigns, in fee simple, all that lot - - - - - - of ground, situate, lying and being in Baltimore County, State of Maryland - aforesaid, and described as follows, that is to say:— According to Survey by David J. Custer, Registered Surveyor, dated August 8, 1958.

Beginning for the same at a pipe now placed distant south 45 degrees 44 minutes 00 seconds west 431.00 feet measured reversely along the seventh line of the land which by Deed dated August 31, 1955, and filed among the Land Records of Baltimore County in Liber G.L.B. No. 2769, folio 491, was conveyed by Douglas M. Pratt and Dorothy I. Pratt, his wife, to Wm. H. Smith Company, Inc., from a pipe found at the end of said seventh line and south 44 degrees 16 minutes 00 seconds east 540.00 feet and running thence by lines of division now established north 03 degrees 45 minutes 45 seconds east 287.86 feet to a pipe now placed on the southerly line of a proposed 50 foot road thence along the said southerly line of said proposed 50 foot road and along the westerly line of a proposed 50 foot road the five (5) following courses and distances: on a curve to the right with a radius of 350.00 feet for a distance of 90.00 feet to a pipe (said curve being subtended by a chord bearing north 75 degrees 57 minutes 40 seconds east 89.75 feet) north 83 degrees 19 minutes 40 seconds east 183.80 feet to a pipe on a curve to the left with a radius of 625.00 feet for a distance of 119.25 feet to a pipe (said curve being subtended by a chord bearing north 77 degrees 51 minutes 42 seconds east 119.07 feet) on a curve

BALTIMORE COUNTY CIRCUIT COURT (Land Records) CEB 3412, p. 0467, MSA_CE62_3267. Date available 08/10/2006. Printed 01/24/2018.

to the right with a radius of 50.00 feet for a distance of 72.97 feet to a pipe (said curve being subtended by a chord bearing south 65 degrees 47 minutes 39 seconds east 66.67 feet) and south 23 degrees 59 minutes 02 seconds east 209.00 feet to a pipe thence leaving the westerly line of the proposed 50 foot road secondly mentioned above south 28 degrees 47 minutes 56 seconds west 679.54 feet to a pipe thence south 81 degrees 48 minutes 50 seconds west 568.80 feet to a pipe thence north 05 degrees 15 minutes 00 seconds east 229.71 feet to a pipe thence north 45 degrees 44 minutes 00 seconds east 445.00 feet to the place of beginning. Containing 10.1726 acres, more or less. Situate near Deer Park Road, on part of Gray Dawn Farm.

BEING part of the property which by Deed dated August 31, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2769, folio 491, was granted and conveyed by DOUGLAS M. PRATT and DOROTHY I. PRATT, his wife, to WM. H. SMITH COMPANY, INC., the within Grantor.

TOGETHER with the use of the existing road out to Deer Park Road; and



BALTIMORE COUNTY Circuit Court (Land Records) GLB 3412, p. 0468. MSA_CE62_3257. Date available 08/10/2006. Printed 01/24/2018.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground - - - - - -and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said CARL J. KIRBY and JANET M. KIRBY, his wife, as tenants by the entireties, their

assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple.

And the said party - of the first part hereby covenants that ~~he~~ it has - - - - - - - - not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the ~~hand and seal~~ corporate seal of WM. H. SMITH COMPANY, INC., and the signature of ALBERT H. SMITH President, duly authorized and attested.

TEST:

Andrew M. Bohle
ANDREW M BOHLE

WM. H. SMITH COMPANY, INC. ~~SEAL~~

BY: Albert H. Smith ~~SEAL~~
ALBERT H SMITH President

STATE OF MARYLAND, CITY OF BALTIMORE - - -, to wit:

I HEREBY CERTIFY, That on this 8th day of September in the year one thousand nine hundred and fifty-eight - - - - -, before me, the subscriber, a Notary Public of the State of Maryland, in and for BALTIMORE CITY aforesaid, personally appeared ALBERT H. SMITH President of WM. H. SMITH COMPANY, INC., - - - - - - - -

FEE-SIMPLE DEED—CODE—City or County—Form 940 LIBER 3854 PAGE 119

This Deed, Made this 13th ~~Month~~ day of June

in the year one thousand nine hundred and sixty-one , by and between Wm. H. Smith Company, Inc., a body corporate of the State of Maryland

~~of~~ in the State of Maryland, of the first part, and

The Grey Dawn Development Company, Inc., a body corporate of the State of Maryland

of the second part.

Witnesseth, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, receipt of which is hereby acknowledged,

the said Wm. H. Smith Company, Inc.

does grant and convey unto the said The Grey Dawn Development Company, Inc.,

its successors

~~heirs~~ and assigns, in fee simple, all that lot of the ground, situate, lying and being in Baltimore County, State of Maryland , aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by Deed dated Oct. 14, 1910 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 369, folio 111, etc., was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958 and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc, dated Oct, 16, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B.Jr.No. 985 folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence, binding on the last line in the Deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning Containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated Sept. 8, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3412, folio 467, etc., was granted and conveyed by the Wm. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outlined on Custer plat and Lots 1 and 3 as outlined on same plat being known as lots 1 and 3 Block A, Section No. 1, Alvermar which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.J.R. No. 26, folio 106.

BEING and intending to convey all that parcel of ground which by Deed dated August 31, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2769-491 was granted and conveyed by Douglas M. Pratt and Dorothy I. Pratt, his wife to the said Wm. H. Smith Company, Inc.

PAID— Baltimore County, Md. — Office of Finance

6-19-61	9921	•	13220 PPF—	148.49
6-19-61	9921	•	13220 PPF—	148.49

PAID— Baltimore County, Md. — Office of Finance

6-19-61	9941	•	13250 PPG—	17.01
6-19-61	9941	•	13250 PPG—	17.01

BALTIMORE COUNTY CIRCUIT COURT (Land Records) MSA_CE62_3709. Date available 12/13/2005. Printed 01/24/2018.

LIBER 3854 FOLIO 121

PRELIMINARY SUBDIV

ALVERM

DEER PARK R

ELECTION DIST. NO. 2 ~ BAL

WM. H. SMITH C

OWNER

GRAY DAWN FARMS - DEE

REISTERSTOWN

SCALE: 1" = 100'

PROFESSIONAL ENGINEER & LAND SURVEYOR
DAVID JOHN CUSTER
1361
STATE OF MARYLAND

CITY OF BALTIMORE

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3854, p. 0122, MSA_CE62_3709. Date available 12/13/2005. Printed 01/24/2018.

ISSAC LYCETT
GRAY DAWN ROAD
14
3
2
54
55
56
57
8
9
10
1
480
500
520
540
560
263
240
270
220
190
225
310
295
435'
420'
N 25°44' E
N 53° 33' E
100'
140'
165'
150'
195'
90'
110'

NOTES

direction as shown based on Reisterstown Quadrangle, Army Map Service. Datum is mean sea level. Present zoning is R-6. Lots as shown have minimum frontage width of 150 and a minimum area of 40000 sq.ft. Lot dimensions are scaled only.

TENTATIVE APPROVAL FOR SECTION ONE ONLY

Baltimore County
JOINT SUBDIVISION PLANNING COMMITTEE
OF THE OFFICE OF PLANNING AND DEPT OF PUB. WORKS
Tentatively Reviewed (Date) Aug. 20, 1959
Chairman J. FRED OFFUTT
Member EDWARD L. GUSSIO

BALTIMORE COUNTY OFFICE OF PLANNING
Tentatively Approved (Date) SEPT. 11, 1959
Director MALCOLM H. DIEL

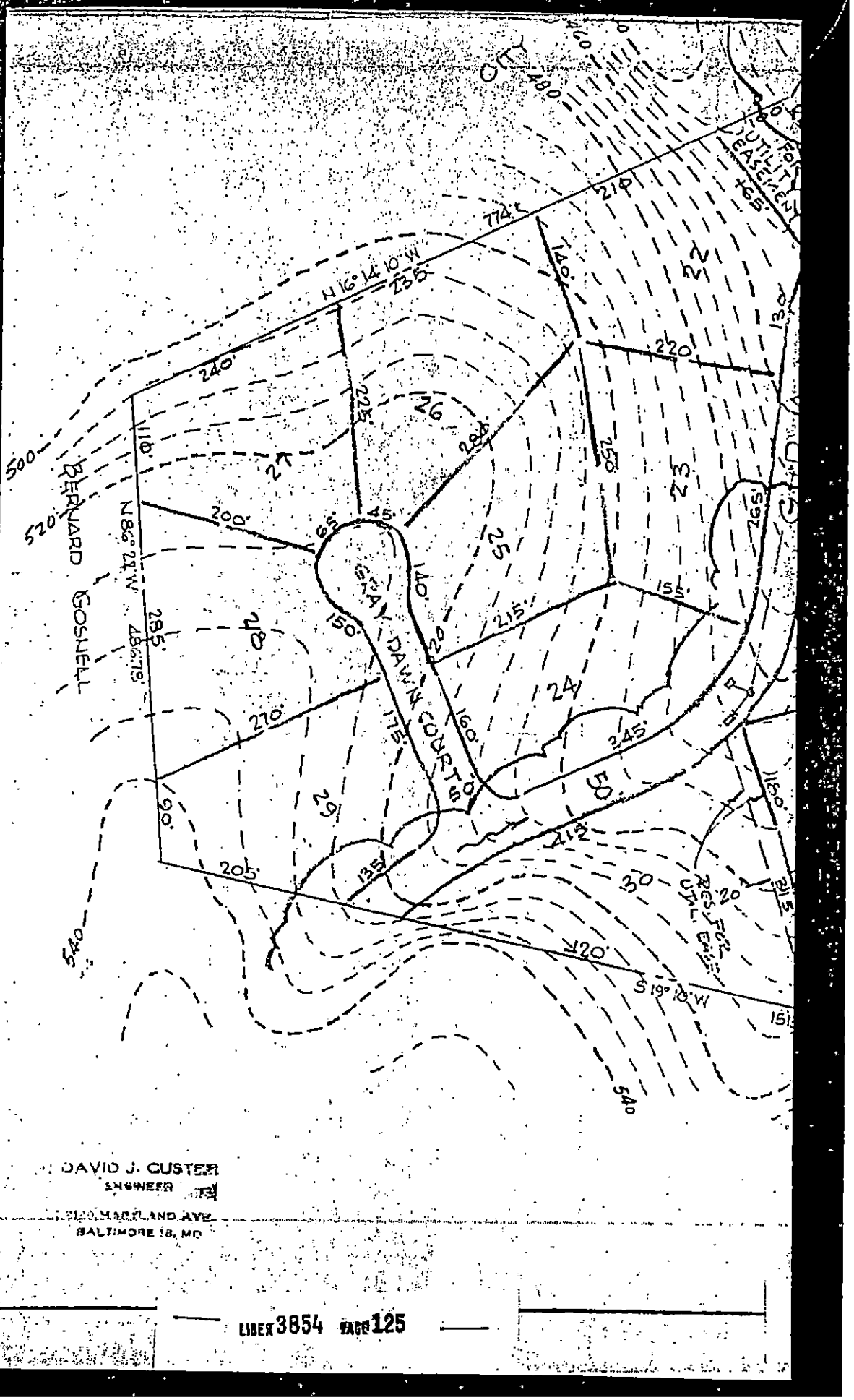
DEPARTMENT OF PUBLIC WORKS
Bureau of Engineering
Tentatively Approved for Street Alignment and Location Only.
Location & Size of Water, Sewer & Storm Drain Facilities, including Highway plans, subject to approval of Construction Drawings.
(Date) SEPT. 15, 1959
Chief Bureau of Engr. ELLSWORTH N. DIVER

NING

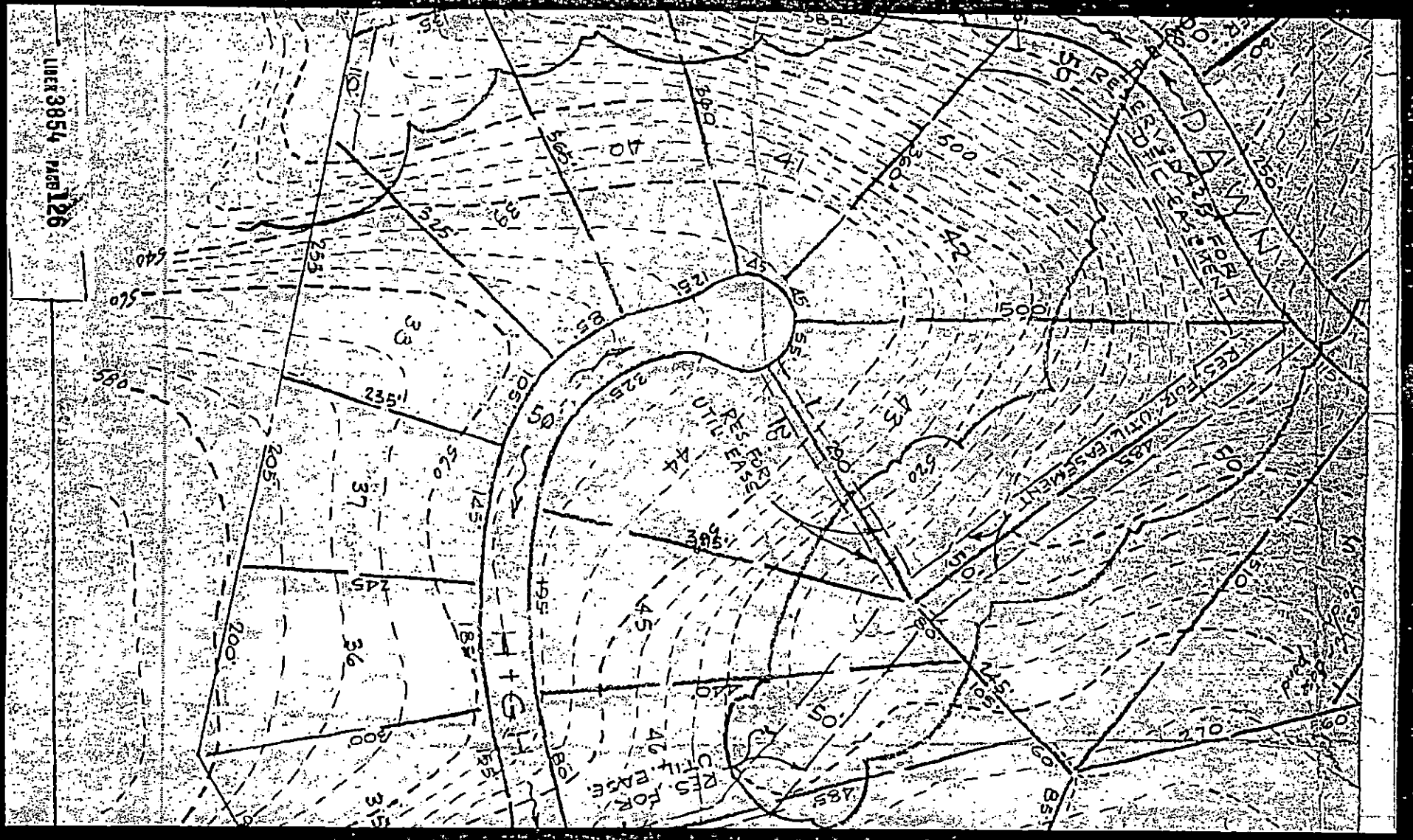
CATE FRONT
DING LINE

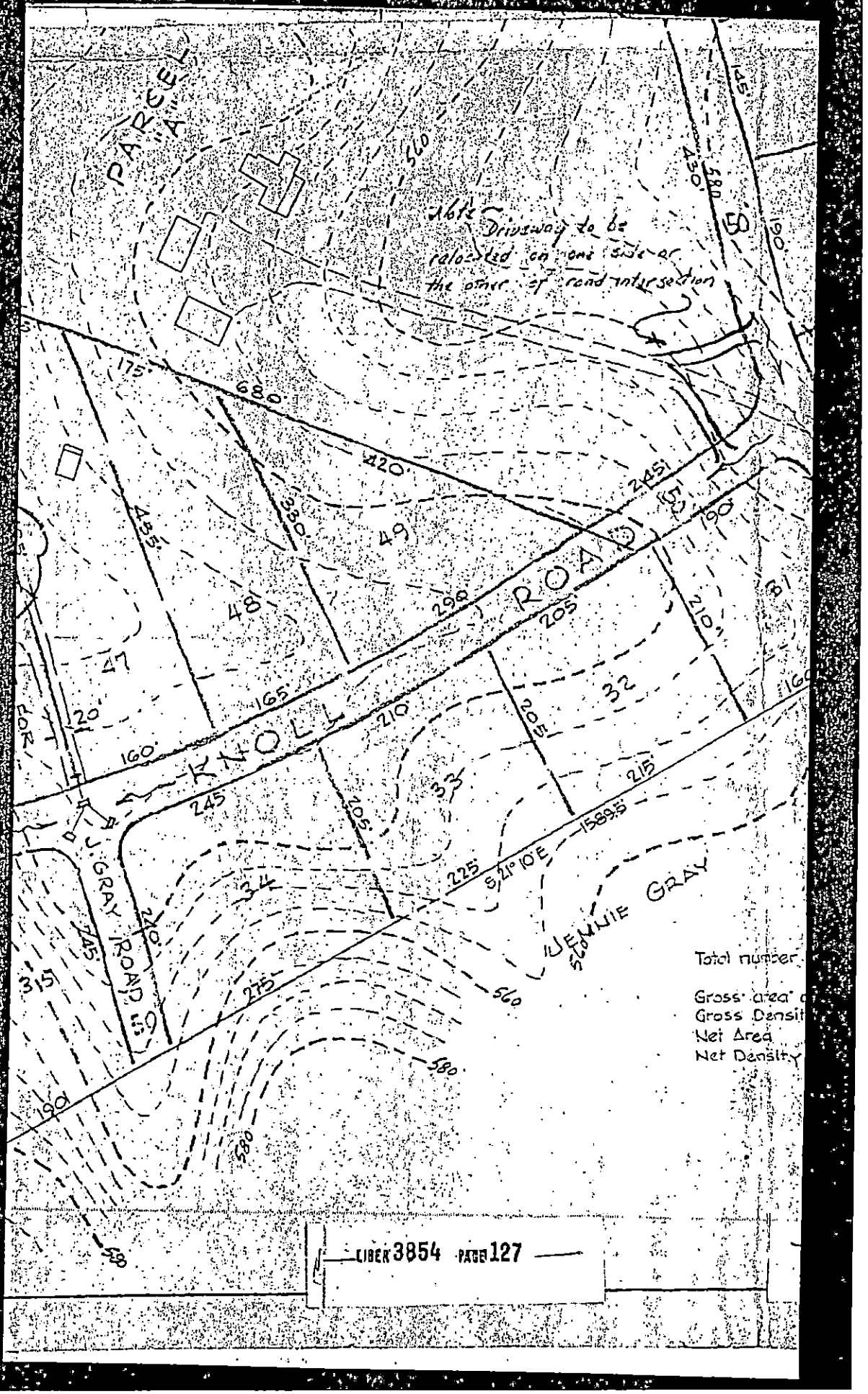
100'
100'
105'
38°-45' E
335'
301'
285'
290'
185'
DEER P
S
W

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3854, p. 0124, MSA_CE62_3709. Date available 12/13/2005. Printed 01/24/2018.


BERNARD GOSWELL
GRAY DAWN COURT
N16° 14' 10" W
235'
774'
N86° 24' W
486.79'
S19° 10' W
DAVID J. CUSTER
ENGINEER
BALTIMORE 18, MD

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3854, p. 0126, MSA_CE62_3709. Date available 12/13/2005. Printed 01/24/2018.




PARCEL "A"
Note: Driveway to be relocated on one side or the other of road intersection
ROAD
KNOLL
J. GRAY ROAD
JESSAMINE GRAY
Total number
Gross area
Gross Densit
Net Area
Net Density
LIBER 3854 PAGE 127

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3854, p. 0128, MSA_CE62_3709. Date available 12/13/2005. Printed 01/24/2018.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground ~~and premises~~ above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

The Grey Dawn Development Company, Inc.

its successors ~~heirs~~ and assigns, in fee simple.

And the said party of the first part hereby covenant that ~~he~~ it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Patricia Lee Willinger

WM. H. SMITH COMPANY, INC.

By: Albert H. Smith (SEAL)
Albert H. Smith, Pres.

(SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 13th day of June in the year one thousand nine hundred and sixty-one, before me, the subscriber, a Notary Public of the State of Maryland, in and for City of Baltimore aforesaid, personally appeared Albert H. Smith, President of Wm. H. Smith Company, Inc.

the above named grantor, and he acknowledged the foregoing Deed to be corporate act.

As Witness my hand and Notarial Seal.

Patricia Lee Willinger Notary Public.

Rec'd for record JUN 19 1951 at 2:55 P M
Per Walter J. Rasmussen, Clerk
Mail to David S. Shellman
Receipt No. 17438 $23-

THIS DEED, Made this 20th day of September in the year nineteen hundred and sixty-three, by and between THE GREY DAWN DEVELOPMENT COMPANY, INC. a body corporate of the State of Maryland, of the first part, and CARL J. KIRBY and JANET M. KIRBY, his wife of Baltimore County, State of Maryland, of the second part.

WHEREAS by Contract of Sale dated July 26, 1958 and recorded among the Land Records of Baltimore County in Liber WJR 3501 folio 174 from Wm. H. Smith, Inc. to Carl Kirby and Janet M. Kirby Provision #5 therein provided "In the event Ivy Mill Road and that part of Gray Dawn Road which reaches the acreage sold have not been completed within 3 years from date hereof, the seller will convey to the buyer the 80 foot strip to Deer Park Road (Ivy Mill Road on "the plan") together with Lot 4 as shown on "the plan" in fee-simple with no restrictions whatsoever" and

WHEREAS by Deed dated June 13, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3854 folio 119 the hereinafter described property and hereinabove referred to property in the aforesaid Contract of Sale was granted and conveyed by Wm. H. Smith Company, Inc. unto The Grey Dawn Development Company, Inc. and

WHEREAS by Order of the Circuit Cout of Baltimore County dated April 25, 1962 as passed in the case entitled "Carl Kirby and Janet M. Kirby vs. Wm. H. Smith Company, Inc. etal (Equity Docket 71 folio 217 Case No. 47195) it was ordered there for the grantor herein to convey pursuant to the terms of the aforementioned Contract of Sale the hereinafter described property unto the grantees herein.

WITNESSETH, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part doth grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows,

BALTIMORE COUNTY CIRCUIT COURT (Land Records) TRRG 4272, P. 0253, MSA_CE62_4127. Date available 6/18/2006. Printed 01/25/2018.

according to a survey prepared by C. A. Myers, Registered Surveyor, that is to say:

B

BEGINNING for the same at a point in the centerline of Deer Park Road at the end of 323.93 feet in the first line of a Deed dated August 31, 1955 and recorded among the Land Records of Baltimore County in Liber GLB No. 2769 folio 491 etc. was conveyed by Douglas M. Pratt and wife to William H. Smith Co., Inc. thence binding on said first line and running in or near the center of Deer Park Road, south 85 degrees 38 minutes 00 seconds east 92.47 feet to the end thereof, thence running and binding on part of the second line in the above mentioned Deed, south 21 degrees 10 minutes 00 seconds east 421.99 feet, thence by a line of division as now surveyed, south 50 degrees 09 minutes 57 seconds west 283.50 feet and to intersect the south 23 degrees 59 minutes 02 seconds east 209.00 foot line in a Deed from Wm. H. Smith Co. Inc. to Carl J. Kirby and wife, dated September 8, 1958 recorded in Liber GLH No. 3412 folio 467 etc. thence binding on that Deed reversely the three following lines, north 23 degrees 59 minutes 02 seconds west 13.62 feet, thence on a curve to the left with a radius of 50 feet for a distance of 72.97 feet (said curve being subtended by a chord bearing north 65 degrees 47 minutes 39 seconds west 66.67 feet), thence by a curve to the right with a radius of 625.00 feet for a distance of 3.90 feet (said curve being subtended by a chord bearing south 72 degrees 32 minutds 27 seconds west 3.90 feet) thence by a line of division, north 17 degrees 08 minutes 06 seconds west 280.38 feet to the southwest corner of Lot No. 3, Block A as shown on the plat of Section 1, Alvermar, recorded in Liber WJR No. 26 folio 106, thence binding on Lot No. 3 the two following lines, north 81 degrees 16 minutes 31 seconds east 222.89 feet to a concrete monument and north 21 degrees 21 minutes 00 seconds west 201.35 feet to a concrete monument, thence continuing the same course, north 21 degrees 21 minutes 00 seconds west 58.29 feet to the place of beginning, containing two acres and three hundred forty-eight one thousandths of an acre (2.348) of land more or less.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple.

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

WITNESS the corporate seal of THE GREY DAWN DEVELOPMENT COMPANY, INC. and the signature of ALBERT H. SMITH its President.

TEST

Robert T. Frankton

Robert T. Frankton

THE GREY DAWN DEVELOPMENT COMPANY, INC.

By Albert H. Smith

ALBERT H. SMITH President

TRANSFER TAX NOT REQUIRED
3-5-64 Reg-Sec 12-G
Norman W. Wood
Director of Finance

Per: F. H. Gillingham
Authorized Signature

The Grey Dawn Development Co. Inc. Maryland Corporation

BALTIMORE COUNTY CIRCUIT COURT (Land Records) RRG 4272, p. 0254, MSA_CE62_4127. Date available 08/14/2006. Printed 01/25/2018.

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

On this 20th day of September 1963, before me, a Notary Public of said State, personally appeared Albert H. Smith,

President of The Grey Dawn Development Company, Inc. known to me, (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that he executed the same for the purpose therein contained, as the duly authorized President of said corporation, by signing the name of the corporation by himself as President.

AS WITNESS my hand and Notarial Seal.

Robert T. Frankton

Robert T. Frankton, Notary Public

My commission expires May 3rd 1965

Rec'd for record MAR 6 1964 at 9:52 A.M.

[illegible] R. Gill, Clerk

Wm. E. [illegible]

Receipt No. 71461 $ 7.00

(NO TITLE EXAMINATION MADE OR REQUESTED)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) RRG 4272, p. 255, MSA_CE62_4127. Date available 08/14/2006. Printed 01/25/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0021, MSA_CE62_4005. Date available 12/13/2005. Printed 07/24/2018.

ATTORNEYS' OR MORTGAGEES' DEED—88

This Deed, Made this 23rd day of April in the year one thousand nine hundred and sixty eight by Eugene Kettleman Assignee as hereinafter set forth.

WHEREAS, at a public sale made the 1st day of December in the year one thousand nine hundred and sixty seven by the said Eugene Kettleman in pursuance of the special power and authority vested in him as assignee in and by a certain mortgage from Grey Dawn Development Company, Inc. to Prudential Savings and Loan Association, Inc., bearing date of the 13th day of June in the year one thousand nine hundred and sixty one and recorded among the Land Records of Baltimore County in Liber WJR No. 3854 Folio 130, which sale was made after default had occurred under said mortgage, and after due public notice of sale, and after bond had been duly filed in the Circuit Court of Baltimore County (Docket 83 fol 281) the parcel of land and premises hereinafter described, being the property by said mortgage conveyed, was sold unto Prudential Savings & Loan, Inc. who was then and there a bidder, at and for the sum of fifty thousand dollars, and the sale having been duly reported to and ratified by the said court, and the purchase money paid, as is hereby acknowledged, the said Eugene Kettleman, Assignee is in law duly authorized to execute a deed for the property to the purchaser.

NOW THEREFORE THIS DEED WITNESSETH, That the said Eugene Kettleman, Assignee as aforesaid, in consideration of the premises and of the sum of one dollar to him by the grantee paid, in execution of the power and authority in him vested by the said mortgage, do es grant and convey unto the said Prudential Savings & Loan, Inc. all the right, title and interest of the said parties to said mortgage or of those claiming by, from or under th em, in and to all th at lot or parcel of ground situate and lying in Baltimore County aforesaid, and particularly described as follows: Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by Deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said deed the two following courses and distances, viz: South 19 degrees

10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951, and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr., No. 985, folio 378, etc. and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the Deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the Wm. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and 3, as outlined on same plat being known as Lots 1,2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26 folio 106.

Savings and excepting therefrom so much as was wonveyed by Grey Dawn Development Co to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0022, MSA_CE62_1865. Date available 12/13/2005. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0023, MSA_CE62_4665. Date available 12/13/2005. Printed 01/24/2016.

TOGETHER with the improvements thereon, and the rights and appurtenances thereto belonging or appertaining, including a right of way of necessity to Deer Park Road over the last mentioned conveyance.

TO HAVE AND TO HOLD the above granted property unto the said Prudential Savings & Loan, Inc., its successors & ~~xxxx~~ and assigns.

AS WITNESS my hand and seal the day and year first above written.

Test:

Paul Jacobs

Paul Jacobs

Eugene Hettleman [SEAL]

[SEAL]

STATE OF MARYLAND, CITY OF BALTIMORE: to wit:

I Hereby Certify, that on this 23rd day of April in the year one thousand nine hundred and sixty eight before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Eugene Hettleman, Assignee and he acknowledged the aforegoing Deed to be his act.

Paul Jacobs, Notary Public

Rec'd for record JUN 30 1969 at 9 35 A.M.
Per Orville T. Gosnell, Clerk
Mail to Eugene Hettleman
Receipt No. 254702 $ 9.50

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0024, MSA_CE62_4865. Date available 12/13/2005. Printed 01/24/2018.

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 23rd day of April

in the year one thousand nine hundred and sixty eight, by and between

Prudential Savings & Loan, Inc. a body corporate

of Baltimore County in the State of Maryland, of the first part, and

Samuel Cletsky, Irvin Selko and Richard Falk, of Baltimore City

of the second part.

Witnesseth, That in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Prudential Savings & Loan, Inc.,

do es grant and convey unto the said Samuel Cletsky, Irvin Selko and Richard Falk,

as tenants in common, their

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc.; thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.



PAID 5598 JUN 30 330.00 MSC

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the WM. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and3, as outlined on same plat being known as Lots 1,2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106/

Savings and excepting therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

Being the same property in a deed to said grantor from Eugene Kettleman, Assignee, immediately prior hereto.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, P 0025, MSA_CE62_4965. Date Available 12/13/2005. Printed 01/24/2016.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining , including a right of way of necessity to Deer Park Road over the last mentioned conveyance off.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

Samuel Cletsky, Irvin Selko and Richard Falk, as tenants in common,

their heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor.

TEST:

PRUDENTIAL SAVINGS & LOAN, INC.

by: Claude Gerard, President (SEAL)

Eugene Hettleman

(SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE: , to wit:

I HEREBY CERTIFY, That on this 23rd day of April in the year one thousand nine hundred and sixty eight , before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Claude Gerard, President of Prudential Savings & Loan, Inc.

the above named grantor , and he acknowledged the foregoing Deed to be the act of said body corporate.

As Witness my hand and Notarial Seal.

Eugene Hettleman Notary Public.

Recd for record JUN 30 1969 at 9:24 A.M.

Per Orville T. Gosnell, Clerk

Mail to Eugene Hettleman

Receipt No. 254703 $ 11.50

BALTIMORE COUNTY CIRCUIT COURT (Land Records) OTG 5010, p. 0026, MSA_CE62_1865. Date available 12/13/2005. Printed 01/24/2018.

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BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 757, MSA_CE62_5283. Date available 01/31/2006. Printed 01/24/2018.

LIBER 5428 PAGE 757

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 30 day of January

in the year one thousand nine hundred and seventy-four, by and between IRVIN SELKO

of Baltimore County in the State of Maryland, of the first part, and SAMUEL D. KALIS, of Baltimore City, State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said IRVIN SELKO

does grant and convey unto the said SAMUEL D. KALIS, his

FEB 28-74 279465C **4622
FEB 28-74 279465C **14.85
FEB 28-74 279464C **21.87
FEB 28-74 279463C *****950

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded amont the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc, was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 1589.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc., thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 1958, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

MSO 8 2810 28 65.62 MSC

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the WM. H. Smith Company, Inc. to Carl J. Kirby and Janet M. Kirby, his wife being Parcel A as outline on Custer plat and Lots 1,2, and 3, as outlined on same plat being known as Lots 1,2, and 3, Block A,Section No 1,Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106/

Savings and excepting therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 fol 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co. to Carl J. Kirby and wife by deed dated Sept 20, 1963 and recorded in Liber 4272 fol 253.

BEING the same property in a Deed to said Grantor, Samuel Oletsky and Richard Falk from Prudential Savings and Loan, Inc., and recorded in the Land Records of Baltimore County in Liber 5010, folio 024, and recorded June 30, 1969.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 0758, MSA_CE62_5203. Date available 01/31/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5428, p. 0759, MSA_CE62_5283. Date available 01/31/2006. Printed 01/24/2018.

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

To Have and To Hold the said lot of ground ----------and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

SAMUEL D. KALIS, his ----------

heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor

TEST:

Sheldon H. Braiterman | Irvin Selko (SEAL)
IRVIN SELKO

(SEAL)

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 25th day of January in the year one thousand nine hundred and seventy-four ----------, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City ---------- aforesaid, personally appeared IRVIN SELKO----------

---

---

the above named grantor, and --he--- acknowledged the foregoing Deed to be----------his--act.

As Witness my hand and Notarial Seal.

Rec'd for record FEB 28 1974 at 12 39 P M
Per Elmer H. Kahline, Jr., Clerk
Mail to David H. Fischman
Receipt No. ✓ $ 9.50

MARILYN BRAITERMAN NOTARY PUBLIC BALTIMORE, MD.

Notary Public.

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BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0536, MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

This Deed, MADE THIS 17th day of April

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

DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK

of Baltimore County and the State of Maryland of the first part, and

HERBERT BEARMAN and HARRY SHAPIRO of Baltimore City, State of Maryland

of the second part.

WITNESSETH, That in consideration of the sum of Forty Three Thousand Three Hundred and Thirty-three Dollars and Thirty-three Cents and other good and valuable considerations, the receipt whereof is hereby acknowledged

the said DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK

do grant and convey to the said HERBERT BEARMAN and HARRY SHAPIRO, as tenants in common, their heirs and assigns,

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

that lot of ground situate in Baltimore County

and described as follows, that is to say:

Beginning for the same in the center of Deer Park Road at the beginning of the third line of the first parcel of land which by deed dated October 14, 1910, and recorded among the Land Records of Baltimore County in Liber WPC No. 369, folio 111, etc. was conveyed by Jesse F. Durbin and wife to John C. Fitzpatrick and wife, thence running with and binding on said 3rd line and in the center of Deer Park Road South 85 degrees 38 minutes East 416.4 feet thence leaving said road and binding on the fourth line of said first parcel of land and binding reversely on the second line of the second parcel of land conveyed by the Deed above mentioned South 21 degrees 10 minutes East 15895.5 feet thence binding reversely on the first and last lines of said second parcel of land described in said Deed the two following courses and distances, viz: South 19 degrees 10 minutes West 1513.2 feet and North 86 degrees 22 minutes West 486.78 feet to the land conveyed by Wm. H. Smith Company, Inc. to Mayor and City Council of Baltimore by Deed dated July 9, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2003, folio 157, etc., thence for new lines of division according to survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of Alvermar of July 23, 19548, and binding upon the land conveyed as aforesaid to the Mayor and City Council of Baltimore North 16 degrees 14 minutes 10 seconds West 774 feet and North 52 degrees 26 minutes 30 seconds West 1379 feet to the North 45 degrees, 44 minutes East 2252 foot line of the property described in a Deed from John C. Fitzpatrick to Wm. H. Smith Company, Inc. dated October 16, 1936, and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 985, folio 378, etc., and thence binding on said line North 45 degrees 44 minutes East 1553.33 feet to the end of said line and thence binding on the last line in the deed from Fitzpatrick aforesaid North 38 degrees 48 minutes East 301 feet to the place of beginning containing 83.89 acres of land, plus or minus.

SAVING AND EXCEPTING therefrom, however, that portion of the above described parcel of ground which by Deed dated September 8, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3412, folio 467, etc., was granted and conveyed by the WM. H. SMITH Company, Inc. to CARL J. KIRBY and JANET M. KIRBY, his wife being Parcel A as outline on Custer plat and Lots 1, 2, and 3, as outlined on same plat being known as Lots 1, 2, and 3, Block A, Section No. 1, Alvermar, which Plat is recorded among the Plat Records of Baltimore County in Plat Book, WJR No. 26, folio 106.

SAVINGS AND EXCEPTING therefrom so much as was conveyed by Grey Dawn Development Co. to Johnnie Martinez and wife by deed dated July 6, 1961, and recorded in Liber WJR 3862 folio 308; and savings and excepting so much as was conveyed by Grey Dawn Development Co. to Carl J. Kirby and wife by deed dated September 20, 1963 and recorded in Liber 4272 folio 253.

BEING the same property in a Deed to Irvin Selko, Samuel Oletsky and Richard Falk from Prudential Savings and Loan, Inc., and recorded in the Land REcords of Baltimore County in Liber O.T.G. 5010, folio 024, on June 30, 1969.

BEING, also, the same property in a Deed dated January 30, 1974 in which Irvin Selko conveyed unto Samuel D. Kalis, now deceased (see Estate #A-14692 Orphans Court of Baltimore City) his one-third (1/3) undivided interest to the subject property, said Deed being recorded in the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5428, folio 757 on February 28, 1974.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0537, MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6160, p. 0538. MSA_CE62_6015. Date available 04/06/2006. Printed 01/24/2018.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said HERBERT BEARMAN and HARRY SHAPIRO, as tenants in common, their heirs

personal representatives/successors

and assigns, in fee simple.

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

WITNESS the hands and seal s of said grantor s

Test:

WITNESS

WITNESS

WITNESS

Richard Falk (SEAL)
RICHARD FALK

(SEAL)
DAVID P. GORDON, personal representative
of the estate of SAMUEL D. KALIS

(SEAL)
MICHAEL M. KALIS, personal representatives
of the estate of SAMUEL D. KALIS

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 17th day of April, in the year one thousand nine hundred and eighty, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared DAVID P. GORDON and MICHAEL M. KALIS, personal representatives of the estate of SAMUEL D. KALIS and RICHARD FALK known to me (or satisfactorily proven) to be the persons whose name xix/are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

Notary Public

My Commission expires: 7/1/82

Rec'd for record MAY 2 1980 at 10 09 A M
Per Elmer H. Kahline, Jr., Clerk
Mail to
Receipt No. $ 15.00

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BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0702, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

THIS DEED, Made this _____ day of _____, in the year nineteen hundred and eighty-two, by and between HARRY SHAPIRO, HERBERT BEARMAN and SAMUEL OLETSKY, parties of the first part, EDWARD N. SILCOTT, party of the second part and JANICE L. SILCOTT, party of the third part.

WITNESSETH, That in consideration of the sum of Sixty-Seven Thousand Two Hundred Ninety-Six ($67,296.00) Dollars, this day paid, the receipt whereof is hereby acknowledged, the said HARRY SHAPIRO, HERBERT BEARMAN and SAMUEL OLETSKY do grant and convey unto the said EDWARD N. SILCOTT, for and during the term of his natural life, subject to and with the powers and limitations hereinafter set forth and from and immediately after the death of the said EDWARD N. SILCOTT as to so much thereof as shall not have been disposed of in execution of the powers hereinafter set forth unto JANICE L. SILCOTT, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE Schedule A attached hereto and being a part hereof for a complete legal description of the property herein conveyed.

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 2-16-82

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK _____
DATE 2-16-82

B 8243**** 100944** $162A

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT, for and during the term of his natural life, with full power unto him during his natural life to sell, mortgage, lease, or dispose of the whole or any part of said property in any manner whatsoever (except by Last Will and Testament) and without the consent of any person or persons whatsoever, applying unto himself and for his own use any and all of the proceeds of any sale or sales, mortgage or mortgages, lease or leases, and without the necessity of any purchaser, mortgagee, or lessee to see to the application of the purchase, mortgage, or rent money, it being the intention hereof that the exercise of any of the powers hereinbefore stated shall operate not only upon the life estate hereby created in favor of the said EDWARD N. SILCOTT, but also upon the estate in remainder as hereinafter provided, and from and immediately after the death of the said EDWARD N. SILCOTT as to so much thereof as shall not have been disposed of in execution of the aforesaid powers unto and to the use and benefit of the said JANICE L. SILCOTT, her personal representatives and assigns, in fee simple.

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

AS WITNESS the hands and seals of the Grantors.

WITNESS:

_____ HARRY SHAPIRO (SEAL)

_____ HERBERT BEARMAN (SEAL)

_____ SAMUEL OLETSKY (SEAL)

MORTON I SILBERMAN

STATE OF MARYLAND, _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 198___, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HARRY SHAPIRO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence,

BALTIMORE COUNTY, CIRCUIT COURT (Land Records) CEW, 6371, p. 0703, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Comm. Expires: [illegible]

STATE OF MARYLAND, [illegible] to wit:

I HEREBY CERTIFY that on this [illegible] day of [illegible], 198[illegible], before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HERBERT BEARMAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Comm. Expires: [illegible]

STATE OF MARYLAND, Baltimore City to wit:

I HEREBY CERTIFY that on this 23rd day of October, 1981, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared SAMUEL OLETSKY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

As WITNESS my hand and Notarial Seal.

Morton L. Silberman
Notary Public
My Comm. Expires: [illegible]

MORTON L. SILBERMAN
NOTARY PUBLIC
My Commission Expires 1 July, 1983

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0704, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0705, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Schedule A

Beginning for the same at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custer as shown on the unrecorded preliminary subdivision plan of ALVERNAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Roxdill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found, (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from The Gray Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G. No. 4272 folio 253; thence

running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91 feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al.; thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

BEING part of the parcel of land which by Deed dated April 23, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5010 folio 24, was granted and conveyed by Prudential Savings & Loan, Inc. to Samuel Olatsky, et al.; and also part of the parcel of land which by Deed dated April 17, 1980 and recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6160 folio 536, was granted and conveyed by David P. Gordon, et al., Personal Representatives, et al., to Herbert Bearman and Harry Shapiro.

Rec'd for record FEB 24 1982 at 11 25 A.M.
Per Elmer H. Kahline, Jr., Clerk
Mail to L. Barry Hughes
Receipt No. 4 1 8 2000

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0706, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0707, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

THIS DEED, Made this 5th day of February, 1982, by and between EDWARD N. SILCOTT, Grantor and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees and THE FIRST NATIONAL BANK OF MARYLAND.

WITNESSETH: That in consideration of the sum of Five ($5.00) Dollars, the payment, receipt and sufficiency of which are hereby acknowledged, the said EDWARD N. SILCOTT does grant and convey unto the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, in fee simple, all of those parcels of ground situate, lying and being in Baltimore County, Maryland, and described as follows, that is to say:

SEE ATTACHMENT "A" FOR LEGAL DESCRIPTION

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns the survivor of them, and the personal representatives of the survivor, forever, in fee simple.

AND, the Grantor hereby covenants that he has not done, suffered to be done any act, matter or thing whatsoever to

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE _____ DATE 2/1/82

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK _____ DATE 2/1/82

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per _____
Authorized Signature
Date 2/1/82 Sec. 11-65 H

encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.

The First National Bank of Maryland, holders of First and Second Deeds of Trust on Parcel 4 join in this conveyance for the sole purpose of permitting the within transfer without the acceleration of the obligations secured by said Deeds of Trust.

Witness the hands and seals of the Grantor.

Witness

EDWARD N. SILCOTT (SEAL)

THE FIRST NATIONAL BANK OF MARYLAND

Witness JoAnna M. Keller

BY: Philip E. Stackhouse
Philip E. Stackhouse
Vice President

STATE OF MARYLAND, COUNTY OF _____ to wit:

I HEREBY CERTIFY that on this ___ day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared EDWARD N. SILCOTT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained, and he further made oath in due form of law that the actual consideration paid for the within transfer is $0.00.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF Baltimore to wit:

I HEREBY CERTIFY that on this 17th day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Philip E. Stackhouse, known to me (or satisfactorily proven) to be the Vice President of The First National Bank of Maryland, and who in his capacity acknowledged to me that he executed the within instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public Jessie W. Hilseberg

My Commission Expires: 7/1/82

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0708, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

Attachment "A"

PARCEL 1: Containing 4.414 acres of land, and

BEING the same lot of ground identified as "Parcel No. 1", which by deed of even date and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 2: Containing .120 acres of land, more or less, and

BEING the same lot of ground identified as "Parcel No. 2" which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 3: Containing 42.06 acres of land, more or less,

BEING the same lot of ground which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Harry Shapiro, et al., to the within Grantor.

PARCEL 4: Containing 48.6187 acres of land, more or less, together with the right to the use in common with others entitled thereto of a right of way to Oakland Road; and

BEING the same lot of ground which by deed dated August 1, 1979, and recorded among the aforesaid Land Records in Liber E.H.K. Jr. No. 6057, Folio 879 was granted and conveyed from Jennie B. Gray to the within Grantor.

The Grantor executes this deed in exercise of the powers set forth in the above described deeds, and intends to create fee simple estates in the Grantees as to each parcel hereby conveyed.

Rec'd for record FEB 24 1982 at 11 24 A M
Per Elmer J. Kihline, Jr., Clerk
Mail to J. Barry Hughes
Receipt No. 4 1300

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK_Jr_6371, p. 0709, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

File #. 861594
Tax ID #s: 02-0207580370&
02-1900007120

DEED, FEE SIMPLE

THIS DEED made this 30th day of October, 2014 by and between Edward N. Silcott, party of the first part, Grantor and El Paso Colby, Inc., a Delaware corporation, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum Two Million Four Hundred Thousand dollars and Zero cents ($2,400,000.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which are hereby acknowledged, the said party of the first part does grant and convey to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple, all those lots of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERE TO AND MADE APART HEREOF

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

TO HAVE AND TO HOLD the said described lots of ground and premises to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple.

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

REVIEWED SDAT
11-12-14
DATE
BY

Agricultural Transfer Tax
Not Applicable - Letter of Intent
Signature KP Date 11/12/14

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0429, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

WITNESS the hand(s) and seal(s) of Grantor.

TEST:

Edward N. Silcott, Grantor (Seal)

STATE OF Maryland, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 30th day of October, 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Edward N. Silcott, known to me (or satisfactorily proven) to be the subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public

ELI J. NEWMAN NOTARY PUBLIC CITY OF BALTIMORE, MD COMMISSION EXPIRES MARCH 3 2015

My Commission Expires: _____

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Eli J. Newman, Esquire

RETURN TO:

Commerce Title Company, Inc.
1777 Reisterstown Road, Suite 200 West
Baltimore, Maryland 21208
(410) 653-4004
File No. 861594

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0430, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0431, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

EXHIBIT "A"
LEGAL DESCRIPTION

File Number: 861594

PARCEL 1- Tax Account # 0207580370

Beginning for the first at a "PK" nail set in the approximate centerline for Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557 folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 287.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the South edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) south 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0432, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, folio 198 from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line and land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

Being Parcel 4 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Thomas and Jennifer Silcott by deed dated November 21, 2000 and recorded among the land records of Baltimore County beginning at Liber 15026 Folio 212, said excluded parcel containing 5.1919 acres of land more or less.

Further Saving and excepting all that parcel of land deeded to Steven Silcott, by deed dated October 11, 2004 and recorded among the land records of Baltimore County beginning at Liber 21267 Folio 347, said excluded parcel containing 4.414 acres of land more or less.

Together with the right to use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and

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recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK" nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

PARCEL 2- Tax Account # 1900007120

Beginning for the second at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custar as shown on the unrecorded preliminary subdivision plan of ALVERMAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Rovill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from the Grey Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G No. 4272 folio 253; thence running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91

feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al., thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

Being Parcel 3 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Stephen Silcott, by deed dated January 29, 1993 and recorded among the land records of Baltimore County beginning at Liber 9603 Folio 721, said excluded parcel containing 11.465 acres of land more or less.

The said Janice Silcott departed this life on or about 1/19/00, thereby vesting the absolute fee simple title in and to the herein described property unto Edward N. Silcott, the Grantor herein.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0434, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

2014
MARYLAND FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor
Edward N. Silcott

2. Reasons for Exemption

Resident Status
☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence
☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Edward N. Silcott
Name

Signature

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

File No.: 861594
MD Affidavit of Residence

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0435, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

0035551 436

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

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

Nov 12, 2014

IMP FD SURE 40.00
RECORDING FEE 20.00
TR TAX STATE 12,000.00
TOTAL 12,060.00
Rcpt # 6381
Blk # 591
Space Reserved for Circuit Court Clerk Recording Violation

1 Type(s) of Instruments	X	Deed Deed of Trust		Mortgage Lease		Other:	
2 Conveyance Type Check Box	X	Improved Sale Arms-Length [1]		Unimproved Sale Arms-Length [2]		Mult. Accounts Arms-Length [3]	Not an Arms-Length Sale [9]
3 Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation						
	State Transfer						
	County Transfer						

4 Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
	Purchase Price/Consideration	$2,400,000.00	Transfer and Recordation Tax Consideration	
	Any New Mortgage		Transfer Tax Consideration	$
	Balance of Existing Mortgage		X( )% =	$
	Other		Less Exemption Amount -	$ 36000.00
			Total Transfer Tax =	$
	Other		Recordation Tax Consideration	$ 12000.00
			X( )% =	$
	Full Cash Value		TOTAL DUE	$

5 Fees	Amount of Fees	Doc. 1	Doc. 2	Agent
Rec SDAT	Recording Charge	$20.00	.00	
	Surcharge	$40.00	.00	Tax Bill:
	State Recordation Tax	$12,000.00	.00	
	State Transfer Tax	$12,000.00	.00	C.B. Credit:
	County Transfer Tax (if Applicable)	$36,000.00	.00	
	Other			Ag. Tax/Other:
	Other			

6 Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
	02	1900007120&0207580370	6371/707			☐

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	Sq. Ft./Acreage (4)

SDAT requires submission of all applicable information. A Maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i)

Location/Address of Property Being Conveyed (2)
6136 Deer Park Rd. Baltimore MD 21136

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☒ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐Yes ☒ No | Description/Amt. Of Sq. Ft./Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
	Edward N. Silcott	
	Doc. 1 - Owner(s) of Records, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To	Doc. 1 - Grantee(s) Names	Doc. 2 - Grantee(s) Name(s)
	El Paso Colby, Inc.	

New Owner's (Grantee) Mailing Address
12120 Esther Lama Dr. S-100, El Paso Tx. 79936

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

10 Contact/Mail Information	Instrument Submitted By or Contact Person	
	Name: Menucha Prince	X Return to Contact Person
	Firm: Commerce Title Company, Inc.	☐ Hold for Pickup
	Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, Maryland 21208	X Return Address Provided
	Phone: (410) 653-4004	

Space Reserved for County Validation

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information			
	Yes	X No	Will the property being conveyed be the grantee's principal residence?
	Yes	X No	Does transfer include personal property? If yes, identify:
	Yes	X No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Trans. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No:

Year	19	19	Geo.	Map	Sub	Block
Improvements			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

ACCOUNT NO 1900007120

RECORDATION TAXES 12,000.00

RECEIPT # 208224 11/12/2014 ORLN

Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Gold - Preparer

DUPLICATE PAID RECEIPT

BUSINESS ACTUAL TIME 11/12/2014 12:46:15 8 DRW

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0436, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0721, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

DEED -- FEE SIMPLE INDIVIDUAL GRANTOR LONG FORM

Election District _____
Acreage 11.465 +
Liber 6371, Folio 707

This Deed, Made This 29TH day of JANUARY

in the year one thousand nine hundred and ninety-three by and between

EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife

of Baltimore County, parties of the first part, and

STEPHEN N. SILCOTT, party

of the second part.

NO TITLE EXAMINATION

Witnesseth, That in consideration of the sum of ZERO DOLLARS (-0-) and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey to the said party of the second part, his

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

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

SEE ATTACHED SCHEDULE "A"

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE jw DATE 2/11/93

Return To:
LLOYD J. HAMMOND, ESQUIRE
616 Main Street
P.O. Box 569
Reisterstown, MD 21136

Certified for recordation of
Assessment Division
for Baltimore County
J Wichlien 2/11/93
By Date

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0722, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

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

TO HAVE AND TO HOLD the said described lot of ground and premises ~~to the said~~ herein mentioned and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said STEPHEN N. SILCOTT, his

heirs
personal representatives ~~successors~~

and assigns forever, in fee simple.

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

WITNESS the hands and seals of said grantors

Test:

Joann E. Hammond

EDWARD N. SILCOTT (SEAL)

Janice L. Silcott (SEAL)
JANICE L. SILCOTT

STATE OF MARYLAND, BALTIMORE CO., to wit:

I HEREBY CERTIFY, That on this 29th day of JANUARY, in the year one thousand nine hundred and ninety-three, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife known to me (or satisfactorily proven) to be the persons whose names ~~is/are~~ subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

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

Joann E. Hammond
Notary Public

My Commission expires:

Oct. 1 1993

JoAnn E. HAMMOND NOTARY PUBLIC Baltimore Co., MD

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Cheryl A. Hammond

(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0723, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-3606 REMEMBER: 771-4884

PROPERTY TO BE CONVEYED BY
EDWARD N. SILCOTT & WIFE
11.465 ACRES ±

December 22, 1992

Beginning for the same at a pipe found at the beginning of the 1st or S 84° 59' 36" W 487.03' line of the land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 702, was conveyed by Harry Shapiro, Herbert Bearman and Samuel Oletsky to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, running thence and binding on the 1st and 2nd lines of the aforesaid deed, as now surveyed, S 84° 59' 36" W 487.03' and N 24° 52' 34" W 774.00', thence leaving said outline and running for a line of division through the property in the aforesaid deed, N 88° 13' 40" E 942.98' to intersect the 10th line of the aforesaid deed at the distance of 700.00' from the end of said 10th line, running thence and binding on a part of the aforesaid 10th line, as now surveyed, S 10° 51' 14" W 700.00' to the place of beginning.

Containing 11.465 Acres of land, more or less and shown on the plat attached hereto and made a part thereof.

Being part of the land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 702, was conveyed by Harry Shapiro, Herbert Bearman and Samuel Oletsky to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, and being also part of the third parcel of land which by deed dated February 5, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6371, folio 707, was conveyed by Edward N. Silcott, Grantor and Edward N. Silcott and Janice L. Silcott, Grantees and The First National Bank of Maryland.

Together with a Right of Way, 20 feet wide, with the use thereof in common with others entitled thereto over the existing road leading from the above described property to Oakland Road, and as shown on the said attached plat, the center line of said Right of Way being described as follows:

SCHEDULE "A"

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0724, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

Beginning for the same at a point in the 4th line of the above described parcel at the distance of 113.81' from the end of said 4th line, said point being also in the 11th or N 10° 51' 14" E 1522.95' line of the land which by deed dated August 1, 1979 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6057, folio 879, was conveyed by Jennie B. Gray to Edward N. Silcott, party of the second part and Janice L. Silcott, party of the third part, at the distance of 113.81' from the beginning of said 11th line, running thence on the center of an existing road through the property in the last mentioned deed the five following courses and distances: 1) S 30° 24' 20" E 9.94'; 2) by a curve to the left with a radius of 100.00' for a distance of 106.39'; 3) N 85° 19' 10" E 115.00'; 4) N 89° 07' 00" E 167.76'; and 5) N 85° 58' 40" E 104.84' to intersect the 9th line of the aforesaid deed, Gray to Silcott, at the distance of 30.74' from the end of said 9th line.

Together also, with the right to the use in common with others entitled thereto of that parcel of land as and for a right of way to Oakland Road, said parcel being described in the aforesaid deed, Gray to Silcott.

Subject to the "Forest Buffer Easement" as shown on said attached plat.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 9603, p. 0725, MSA_CE62_9458. Date available 03/09/2005. Printed 01/24/2018.

Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated _____ conveying title to, or creating liens or encumbrances upon, real or personal property is offered for recordation in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Space Reserved for Circuit Court Clerk, Recording Validation

1 Description of Property (Check box(es) for item(s) to be indexed in land records)

Property Tax ID No.	Lot/Block	Map/Grid/Parcel No.
19-00-007120		
Subdivision/Tract	Lot Acreage	Prior Deed Ref. VAR. L.O.G.
	11.465	6371/702 6371/704

Street Address (or description if parcel conveyance)
11.465 Acc Oakland Rd

2 Transferred From
Grantor(s) [ ] check box if additional sheets are attached
EDWARD N. SILCOTT
JANICE L. SILCOTT
Owner of record (if different from grantor)

3 Transferred To
Grantee(s) [ ] check box if additional sheets are attached
STEPHEN N. SILCOTT

4 Type of Instrument

X Deed	Assignment of Mtg/DOT	Financing Statement
Deed of Trust	Contract	Other (Specify)
Mortgage	Land Installment Cont.	
Lease	Power of Attorney	

5 Exemptions (Cite authority or explain briefly)
Baltimore County Exempt Status Claimed: ACM + DNO TO SW
Recordation Tax Exempt Status Claimed:
State Exempt Status Claimed:

6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416

Consideration Amount		County Taxes to be Paid
Purchase Price/Consideration (including any new mortgage)	$ -0-	Transfer Tax Consideration
Real Property		$ -0- x 1.6% = $ -0-
Personal Property		
Balance of Assumed Mortgage	NONE	Office of Finance Use Only
Other		Agent: _____ Tax Bill: _____
Total Consideration or Assessed Factor	$ -0-	C.B. Credit: _____ Ag. Tax/Other: _____

7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650

Recordation Fees		Special Recording Instructions (If any)
Recording Charges	$ 28.00	
State Transfer Tax		
County Recordation Tax		
Surcharge		
Other		
Total	$	

8 Contact/Mail Information

Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill
Name: Lloyd J. Hammond	Name: Lloyd J. Hammond	Name: Stephen N.Silcott
Firm: Same		
Address: 616 Main St.	Address: 616 Main st.	Address: 1724 Oakland Rd.
REisterstown,Md. 21136	Reisterstown,21136	Reisterstown,Md.21136
Phone: 410-833-7576		

9 Certification
I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.
Signature: JoAnn E Hammond Date: 2/18/93

10 Assessment Information (410) 321-2299

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

X Yes	No	Will grantee be living at property conveyed?
Yes	X No	Is grantor currently receiving a homeowners' tax credit?
Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes	No	Partial conveyance? If yes, amount of acreage transferred: 11.465 Ac.
		List improvements conveyed: N/A
		If subdivision occurred after July 1, indicate former property tax ID number:

Optional Expediting Information
A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.

[ ] Yes [ ] No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:

Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):

Location and improvement address:

Assessment Use Only - Do Not Write Below This Line

Terminal Verification	Deed Plotter
Agricultural Verification	Deed Reference
Tran. Process Verification	Assigned Property No
Whole [ ] Desc. [ ] Part	

Distribution: White - Clerk's Office \ Canary - Office of Finance \ Pink - SDAT \ Goldenrod - Preparer

AOC-CC-100

D RC/F 23.00
DC INP 5.00
LEED 0
CH CLERK 28.00
#55697 C002 R02 T11:
02/16/

Paid 2/18/93 Auditor's Receipt No. 55697 Clerk of the Circuit Court Baltimore County, Maryland

Sec. 33-139 C

K

PARCEL 350

Tab	Liber/Folio	Date	Grantor	Grantee
1	1186/491	September 25, 1941	Shipley	Gray
2	6057/879	August 1, 1979	Gray	Silcott
3	6371/696	February 5, 1982	Offutt	Silcott
4	6371/707	February 5, 1982	E. Silcott	E & J Silcott
5	21267/347	October 11, 2004	E & J Silcott	S. Silcott
6	35551/429	October 30, 2014	Silcott	El Paso Colby, Inc.

FOR VALUE RECEIVED NATIONAL LIFE INSURANCE COMPANY HEREBY releases the within mortgage in witness whereof the National Life Insurance Company has caused this release to be signed by its vice president and by a member of its committee on finance duly authorized and its corporate seal to be hereto affixed at Montpelier Vermont on this 19th day of September 1949
NATIONAL LIFE INSURANCE COMPANY BY RALPH C LIMBER WITNESS VIRGINIA M SARGENT
BY DEANE C DAVIS VICE PRESIDENT member of committee on finance
(Corporate seal)
rec 9-27-49 at 1 PM & exd per T Braden Silsett clerk
rec map & exd per

194563) THIS DEED made this 25th day of September in the year one thousand
Paul Shipley & Wf) nine hundred and forty one by and between Paul Shipley and Hermena
Deed To) Shipley his wife of Baltimore County in the State of Maryland par-
Jennie B Gray) ties of the first part and Jennie B Gray of the County and State
U S S $4.40 S S $4.00) aforesaid party of the second part
) WITNESSETH that inconsideration of the sum of five dollars ($5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said party of the second part her heirs and assigns in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described as follows that is to say

BEGINNING for the same at a stone at the end of the north sixty seven and one half degrees east one and six tenths perches line of the whole tract of land which by deed dated August 29 1870 and recorded among the Land Records of Baltimore County in Liber E H A No 69 folio 527 &c was conveyed by Catherine A Port to Charles Griswold running thence binding on said whole tract two courses and distances north sixty nine and one fourths degrees east seven tenths of a perch north twelve and one fourths degrees east forty one and three tenths perches to a point in or near the centre of the Deer Park Road thence south seventy seven and three fourths degrees east seventeen and one tenths perches to a stone set in the ground on the north side of said road thence running and bounding on the north side of said road and bounding on the land of Wesley Owings and the land of Joshua Shipley south sixty nine degrees east thirteen perches to the given line of Porters Hall thence binding on said line reversely south three fourths degrees west four and four tenths perches thence south eighty nine degrees east sixteen and nine tenths perches binding on Porters Hall to a point in the centre of the aforesaid road thence running and binding on the centre of said road one course and distance and binding on lot 3 south seventy seven degrees east eighteen perches to a corner of said lot and running and continuing to bind on said lot the four following courses and distances south fifteen and three fourth degrees west one and two tenths perches to a stone set in the ground on the south side of said road thence continuing the same course south fifteenand three fourths degrees west sixty six perches to a stone south fifteen and one half degrees west twenty eight perches to a stone and south twenty one degrees west sixty six

DEL FEE TICKET FEB 20 1942
PT (FEE) CHK 1165 p 0491 MSA_C162_1041 Date available 01/31/2006 Printed 01/24/2018

perches to a stone near a large gum tree and to intersect the west two and four tenths perches line of said whole tract at the end of two perches in said line thence running and binding on said line north eighty nine degrees west thirty and four tenths perches to the end of the said line and to intersect the north fifteen degrees east ninety three perches line of Jones Polly at the end of seven tenths of a perch in said line thence north sixteen degrees east ninety two and three tenths perches to a point south sixteen degrees west two and two tenths perches from a large mulberry tree thence running and bounding on part of the given line of Jones Polly north twenty five degrees west forty six perches to a corner of the land conveyed by Catherine A Port to William Forney and thence bounding on said land north sixty eight and one fourths degrees east one and six tenths perches to the place of beginning Containing forty five acres two rods and sixteen square perches of land more or less

SAVING AND EXCEPTING therefrom however all that piece or parcel of land containing one and five one hundredths acres more or less which as surveyed by William Whitney County Surveyor on October 20 1932 is described as follows

BEGINNING for the same in the centre of the Deer Park Road at the beginning of the south fifteen and three fourths degree west one and two tenths perches line of that parcel of land which by deed dated February 25 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 507 folio 373 &c was conveyed by Carol J Klingelhoefer and wife to Albert S Dosh running thence binding on said line south eighteen degrees thirty minutes west nineteen and eight tenths feet running thence continuing the same course south eighteen degrees thirty minutes west two hundred twenty four and two tenths feet running thence for lines of division the two following courses and distances viz north sixty eight degrees six minutes west two hundred five and two tenths feet and north twenty one degrees fifty eight minutes east two hundred nineteen and seven tenths feet to the centre of the Deer Park Road aforesaid thence running and binding in the centre of said road south seventy five degrees fifteen minutes east one hundred ninety two feet to the place of beginning Containing one and five one hundredths acres more or less

BEING the same property described in a deed from Albert S Dosh and Martha A Dosh his wife to Paul Shipley et al dated December 31 1932 and recorded among the Land Records of Baltimore County in Liber L McL M No 907 folio 401

SEE ALSO deed from Harry M Shipley unmarried to the within named grantors dated April 11 1936 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 973 folio 185

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said party of the second part her heirs and assigns in fee simple forever

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

WITNESS the hands and seals of the within named grantors

Witness

Raymond L Henry — Paul Shipley (Seal)

Hermone Shipley (Seal)

COUNTY CIRCUIT COURT (Land Records) CHK 1186, p. 0192, MSA_CE62_1041 | Date Available 01/31/2006. | Printed 01/24/2018.

STATE OF MARYLAND BALTIMORE CITY to wit

I HEREBY CERTIFY that on this 25th day of September in the year one thousand nine hundred and forty one before me a Notary Public of the State of Maryland in and for Baltimore City aforesaid the undersigned officer personally appeared Paul Shipley and Hermina Shipley his wife the within named grantors known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained and further acknowledged said instrument to be their respective act

IN TESTIMONY WHEREOF I hereunto set my hand and affix my notarial seal

(Notarial Seal) Raymond L Henry

My Commission expires May 3 1943 Notary Public

Recorded Sept 26 1941 at 12.40 P M and exd per Christian H Kahl Clerk

---

772 1943 54 Mail

Joseph Drozd et al) THIS DEED made this 26th day of September in the year one thous-

Deed To) and nine hundred and forty one by and between Joseph Drozd unmarried

Edward Thomas & Wf) and Walter Dobrzycki both in the City of Baltimore State of Maryland

U S S $4.40 S S $3.60) parties of the first part and Edward Thomas and Elizabeth Thomas

_____) his wife of the County of Baltimore State of Maryland parties of the second part

WITNESSETH that in consideration of the sum of five ($5.00) dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Joseph Drozd unmarried and Walter Dobrzycki do grant and convey unto Edward Thomas and Elizabeth Thomas his wife their heirs and assigns in fee simple all those lots of ground situate lying and being in Baltimore County State of Maryland and described as follows that is to say

BEING all those lots of ground known and designated as lots Nos four hundred and thirty four (434) four hundred and thirty five (435) four hundred and thirty six (436) four hundred and thirty seven (437) and four hundred and thirty eight (438) as shown on the Plat of Sparrows Point Manor of the Keating Realty Company said Plat being duly recorded among the Land Records of Baltimore County in Plat Book W P C No 5 folio 82

BEING the same lots of ground which by two leases dated respectively March 10 1934 and June 22 1934 and recorded among the Land Records of Baltimore County in Liber C W B Jr 930 folio 36 and C W B Jr 934 folio 223 were demised and leased by the said Joseph Drozd unmarried to the said Walter Dobrzycki for the term of ninety nine (99) years subject to the payment of an annual ground rent of one cent ($.01) under each of the aforesaid leases The said Joseph Drozd by this deed conveying the annual ground rents of one cent ($.01) each created under the aforesaid leases to the said Edward Thomas and Elizabeth Thomas his wife to the end and intent that the aforesaid rents may be forever merged and extinguished

TOGETHER with the buildings and improvements thereon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in any wise appertaining

TO HAVE AND TO HOLD the described lots of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Edward Thomas and Elizabeth Thomas his wife their heirs and assigns in fee simple

AND the said Joseph Drozd unmarried and Walter Dobrzycki hereby covenant that they have

Land Records) CHK 1186, p. 0493, MSA_CE62_1041. Date available 01/15/2006. Printed 01/29/2016.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0879, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

THIS DEED, Made this 1st day of August, in the year nineteen hundred and seventy-nine, by and between JENNIE B. GRAY, of Baltimore City, State of Maryland, party of the first part, EDWARD N. SILCOTT, of Baltimore County, State of Maryland, party of the second part, and JANICE L. SILCOTT, of Baltimore County, State of Maryland, party of the third part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being Seventy Seven Thousand Eight Hundred Seventy Five Dollars ($77,875.00), this day paid, the receipt whereof is hereby acknowledged, the said JENNIE B. GRAY does grant and convey unto the said EDWARD N. SILCOTT, for and during the term of his natural life, subject to and with the powers and limitations hereinafter set forth and from and immediately after the death of the said Edward N. Silcott as to so much thereof as shall not have been disposed of in execution of the powers hereinafter set forth unto JANICE L. SILCOTT, her personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE Schedule A attached hereto and being a part hereof for a complete legal description of the property.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT, for and during the term of his natural life, with full power unto him during his natural life to sell, mortgage, lease, or dispose of the whole or any part of said property in any manner whatsoever (except by Last Will and Testament) and without the consent of any person or persons whatsoever, applying unto himself and for his own use any and all

of the proceeds of any sale or sales, mortgage or mortgages, lease or leases, and without the necessity of any purchaser, mortgagee, or lessee to see to the application of the purchase, mortgage, or rent money, it being the intention hereof that the exercise of any of the powers hereinbefore stated shall operate not only upon the life estate hereby created in favor of the said Edward N. Silcott, but also upon the estate in remainder as hereinafter provided, and from and immediately after the death of the said Edward N. Silcott as to so much thereof as shall not have been disposed of in execution of the aforesaid powers unto and to the use and benefit of the said JANICE L. SILCOTT, her personal representatives and assigns, in fee simple.

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

AS WITNESS the hand and seal of said Grantor.

WITNESS:

Barbara H. Laine

Jennie B. Gray (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, That on this 1st day of August, 1979, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JENNIE B. GRAY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Henry B. Peck, Jr.
Notary Public

NOTARY PUBLIC Baltimore

CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0880, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6057, p. 0881, MSA_CE62_5912. Date available 12/29/2005. Printed 01/24/2018.

SCHEDULE A ATTACHED TO AND COMPRISING A PART OF DEED DATED AUGUST 1, 1979 FROM JENNIE B. GRAY TO EDWARD L. SILCOTT.

BEGINNING for the same at a "PK" nail set in the approximate centerline of Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557, Folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 297.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, Folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) South 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, Folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198

from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line of land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed, (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

FOR title of the said Jennie B. Gray, see Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1186, folio 491 from Paul Shipley and Hermena Shipley, his wife, portions of the above described parcel of land having been hostilely, actually, visibly, exclusively, continuously, and under claim of title, possessed by the said Jennie B. Gray for a period of time in excess of twenty years.

TOGETHER with the right to the use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK"nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

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BEING a portion of the property which by Deed dated December 26, 1941 and recorded among the Land Records of Baltimore County in Liber G.H.K. No. 1198, folio 471 was granted and conveyed by Walter G. Warfield and wife unto the said Jennie B. Gray, in fee simple.

* * *

Rec'd for record AUG 6 1979 at 11 [illegible]
Per Elmer H. Kahline, Jr., Clerk
Mail to Cook, Howard & Tab
Receipt No. [illegible]

THIS DEED, made this 5th day of February, 1982, by and between MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY, Successor Trustee under Deed of Trust from Nancy J. Offutt, as hereinafter set forth, and Mercantile-Safe Deposit and Trust Company, Successor Trustee under the Last Will and Testament of Emily J. Offutt, as hereinafter set forth, and Juliet Berry Iglehart Offutt, Grantors; and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees.

WHEREAS, by Deed dated September 6, 1898, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 234 folio 322, Noah E. Offutt, Trustee, conveyed to Milton W. Offutt, a parcel of land located on Deer Park Road in the Second Election District of Baltimore County, as more particularly described therein; said Deed also referred to "and being part of the land conveyed by John Henry Yox and wife to Milton W. Offutt, by Mortgage dated January 6, 1888, and recorded among the Mortgage Records of Baltimore County in Liber J.W.S. No. 135 folio 96, even though that parcel of land was included in foreclosed Mortgage; and

WHEREAS, by Deed dated September 6, 1898, and recorded among the Land Records aforesaid in Liber N.B.M. No. 234 folio 235, the said Milton W. Offutt conveyed to Ann Margaret Yox, two parcels of land therein particularly described, the second parcel containing 45 acres, 2 roods and 16 square perches, more or less; and referred to as being part of the parcel contained in the aforementioned Deed from Noah E. Offutt, Trustee, to the said Milton W. Offutt; said Deed omitted reference to that part of the land referred to in the aforesaid Deed from Noah E. Offutt to the said Milton W. Offutt; and

WHEREAS, by mesne conveyances said parcel of land was conveyed by Paul Shipley and wife to Jennie B. Gray, by Deed dated September 25, 1941, and recorded among the Land Records aforesaid in Liber C.H.K. No. 1106 folio 491; and

WHEREAS, by Deed dated August 1, 1975, and recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6057 folio 879, the said Jennie B. Gray conveyed the parcel of land referred to in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox (N.B.M. No. 234/235) to Edward N. Silcott for life, with powers as therein set forth, and with remainder over after his death, in default of

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK 2.16.82 DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE DATE 2.16.82

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per
Authorized Signature
Date 2-16-82 Sec. 11-85.1

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0696. MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

the complete exercise of said powers of disposition, to the said Janice L. Silcott, in fee simple; said Deed included that portion of land omitted in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox; and

WHEREAS, the said Milton W. Offutt acquired title to a parcel of land containing 45 square perches, more or less, located on the south side of Deer Park Road by Deed dated July 26, 1899, and recorded among the Land Records aforesaid in Liber N.B.M. No. 238 folio 552, from Ann R. Murray and husband; said parcel lying between the center line of Deer Park Road and the fifth and sixth lines of the Deed from Paul Shipley and wife to Jannie B. Gray, dated September 25, 1941, and recorded among the Land Records aforesaid in Liber C.H.K. No. 1186 folio 491. Said parcel of land being also included in the aforesaid Deed from the said Jennie B. Gray to Edward N. Silcott, et al.; and

WHEREAS, the said Milton W. Offutt departed this life on or about the year 1903, intestate, leaving surviving him as his heirs at law, Emily J. Offutt, his widow, and two children, Nancy J. Offutt and Milton J. Offutt; and

WHEREAS, Nancy J. Offutt, also known as Nancy Jenkins Offutt, by Deed dated November 25, 1914, and recorded among the Land Records aforesaid in Liber W.P.C. No. 434 folio 417, conveyed all of her interest in the property in the estate of her father, Milton W. Offutt to Safe Deposit and Trust Company of Baltimore, in trust for the uses and purposes therein set forth, and conferred upon her said Trustee, power of sale, with the consent of said Nancy J. Offutt; and

WHEREAS, the said Emily J. Offutt departed this life on or about October 7, 1933, leaving a Last Will and Testament, duly admitted to probate by the Orphans' Court of Baltimore City, which Will is now of record in the Office of the Register of Wills of Baltimore City in Wills Liber 177 folio 483, whereby she devised the rest, residue and remainder of her estate and property, real and personal, to Safe Deposit and Trust Company of Baltimore, in trust of the uses and purposes therein set forth, and conferred upon her said Trustee, full power of sale; and

WHEREAS, the said Milton J. Offutt departed this life on or about December 16, 1961, and by his Last Will and Testament, duly admitted to probate by the Orphans' Court of Anne Arundel County and now of record in the Office of the

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Register of Wills for Anne Arundel County in Wills Liber G.M.N. No. 2 folio 47, whereby he devised the rest, residue and remainder of his estate, real and personal, to his wife, the said Juliet Berry Iglehart Offutt, absolutely and in fee simple, provided she be living at the time of his death; and

WHEREAS, the above named Grantors are the holder of the legal title to the properties hereinafter described; and

WHEREAS, through inadvertance, the parcel of land hereinafter firstly described, although included in the aforesaid Mortgage to Milton W. Offutt and in the Deed from Noah E. Offutt, Trustee to the said Milton W. Offutt, was omitted in the aforesaid Deed from Milton W. Offutt to Ann Margaret Yox and in mesne conveyances down to the aforesaid conveyance to Jennie B. Gray. However, said parcel of land, as well as the parcel of land contained in the aforesaid Deed from Ann R. Murray to the said Milton W. Offutt, was included in the aforesaid Deed from Jennie B. Gray to Edward N. Silcott, et al.; and

WHEREAS, the said Grantors, with the consent of Nancy J. Offutt, have agreed to convey the properties hereinafter described unto the said Edward N. Silcott, et al., in the same manner and estate as granted and conveyed by the said Jennie B. Gray to the said Edward N. Silcott, et al., therefore, these presents are executed.

NOW, THEREFORE, THIS DEED WITNESSETH, that in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said Mercantile-Safe Deposit and Trust Company, Successor Trustee under the two instruments hereinabove referred to, Juliet Berry Iglehart Offutt and Nancy J. Offutt do hereby grant and convey unto the Edward N. Silcott, for and during the term of his natural life, subject to, and with the powers and limitations, and with remainder over as set forth in the aforesaid Deed from Jennie B. Gray to Edward N. Silcott, dated August 1, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879, his, her or their personal representatives and assigns, in fee simple, all those two parcels of land situate and lying in the Second Election District of Baltimore County, Maryland which, according to a survey and description prepared by Richard William Lowe, Property Line Surveyor, on or about July 23, 1981, is described as follows:

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Parcel No. 1

BEGINNING for the same at a point where the south side of Deer Park Road existing 30 feet wide, intersects the 13th or north 30 degrees 28 minutes 22 seconds west 823.79 foot line of the conveyance from Jennie B. Gray to Edward N. Silcott, by Deed dated August 1, 1979, recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning being distant south 30 degrees 26 minutes 02 seconds east 13.18 feet from a "P.K." Nail found just south of the centerline of the aforementioned Deer Park Road; thence leaving said point of beginning so fixed and running with and binding along the south side of said Deer Park Road, as now surveyed, (1) North 89 degrees 32 minutes 25 seconds east 120.78 feet, (2) South 87 degrees 22 minutes 41 seconds east 264.03 feet, and (3) South 80 degrees 16 minutes 03 seconds east 145.84 feet to intersect the east boundary of land secondly described in a deed from Ephrain Triplett to Adam J. Frederick by deed dated July 10, 1889 recorded among the Land Records of Baltimore County in Liber E.H.A. No. 63 folio 276; thence leaving the south side of Deer Park Road and running with and binding along the said east boundary of the said Frederick Property; across a portion of aforementioned Edward Silcott property as now surveyed, (4) South 07 degrees 23 minutes 12 seconds west 651.49 feet, (5) South 63 degrees 46 minutes 38 seconds West 11.55 feet, and (6) South 63 degrees 01 minutes 38 seconds west 26.40 feet to a point marking the beginning of the aforementioned 823.79 feet line as now surveyed, (7) North 30 degrees 26 minutes 02 seconds West 810.61 feet to the point of beginning. Containing in all 4.414 acres of land, more or less.

Parcel No. 2

BEGINNING for the same at a point on the South side of Deer Park Road existing 30 feet wide, said point of beginning being distant North 86 degrees 49 minutes 09 seconds West 155.90 feet from a "P.K." Nail found marking the end of the 4th or South 83 degrees 25 minutes 01 seconds East 105.01 feet line of the conveyance from Jennie B. Gray to Edward N. Silcott by Deed dated August 1, 1979 recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; thence leaving said point of beginning so fixed and running across a portion of the said Silcott Property, as now surveyed; (1) South 85 degrees 34 minutes 51 seconds West 226.55 feet, to the beginning of the lot of ground which by Deed dated July 26, 1899, and recorded among the Land Records aforesaid in Liber N.B.M. No. 238 folio 552, was conveyed by Ann R. Murray and Husband to Milton W. Offutt, thence binding reversely on a part of the last line of said lot (2) North 03 degrees 40 minutes 09 seconds West 45.97 feet to intersect the South side of said Deer Park Road; thence running with and binding along the South side of said Deer Park Road as now surveyed, (3) South 82 degrees 55 minutes 13 seconds East 230.58 feet to the point of beginning. Containing in all 0.120 acres of land, more or less.

BEING a part of the land conveyed by Jennie B. Gray to Edward N. Silcott by Deed dated August 1, 1979 recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057 folio 879; and being also a part of the aforesaid land conveyed by Ann R. Murray and husband to Milton W. Offutt.

The said Nancy J. Offutt unites herein solely for the purposes of authorizing the said Trustee to execute these presents.

To Have and To Hold, the above described lots of ground unto and to the use of the said Edward N. Silcott, for and during the term of his natural life, subject to and together with the powers set forth in the aforesaid deed from Jennie B. Gray to Edward N. Silcott, et al., dated August 1, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6057

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folio 879, his, her or their personal representatives and assigns, in fee simple.

And the said Juliet Berry Iglehart Offutt does hereby covenant that she will execute such further assurances of said property as may be requisite.

The Grantors herein hereby certify, in accordance with Article 81, Section 278-A of the Code of Maryland, that they have neither received nor will they receive any cash or other valuable consideration of any kind for the transfer of the title to the above captioned properties.

As Witness, the hand and seal of the duly authorized Officer of Mercantile-Safe Deposit and Trust Company, Successor Trustee as aforesaid, and the hand and seal of Juliet Berry Iglehart Offutt.

WITNESS:

Mercantile-Safe Deposit and Trust Company, Successor Trustee under Deed of Trust from Nancy J. Offutt.

By _____ (SEAL)
Vice President

Mercantile-Safe Deposit and Trust Company, Successor Trustee under the Last Will and Testament of Emily J. Offutt.

By _____ (SEAL)
Vice President

_____ (SEAL)
Juliet Berry Iglehart Offutt

_____ (SEAL)
Nancy J. Offutt, Also known as Nancy Jenkins Offutt.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, who acknowledged himself to be the Vice President of Mercantile-Safe Deposit and Trust Company, as herein-above set forth, and that he, as such Vice President, being authorized so to do, executed the aforegoing instrument for the purposes therein contained by signing, in my presence, the name of said Corporation, Trustee, as Vice President.

AS WITNESS, my hand and Notarial Seal.

_____
Notary Public

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STATE OF MARYLAND, ~~ANNE ARUNDEL~~ CARROLL COUNTY, to wit:

I HEREBY CERTIFY, that on this 25 day of February, 1982, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Juliet Berry Iglehart Offutt, one of the above named Grantors, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS, my hand and Notarial Seal.

Notary Public

BARRY HUGHES NOTARY PUBLIC CARROLL CO., MD.

~~MY COMMISSION EXPIRES JULY 1, 1982~~

Rec'd for record FEB 24 1982 at 11:26 A.M.
Per Elmer H. Kahline, Jr., Clerk
Mail to J. Barry Hughes
Receipt No. 14700

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0701, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

SALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0707, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

THIS DEED, Made this 5th day of February, 1982, by and between EDWARD N. SILCOTT, Grantor and EDWARD N. SILCOTT and JANICE L. SILCOTT, Grantees and THE FIRST NATIONAL BANK OF MARYLAND.

WITNESSETH: That in consideration of the sum of Five ($5.00) Dollars, the payment, receipt and sufficiency of which are hereby acknowledged, the said EDWARD N. SILCOTT does grant and convey unto the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, in fee simple, all of those parcels of ground situate, lying and being in Baltimore County, Maryland, and described as follows, that is to say:

SEE ATTACHMENT "A" FOR LEGAL DESCRIPTION

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

TO HAVE AND TO HOLD the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD N. SILCOTT and JANICE L. SILCOTT, his wife, as tenants by the entireties, their assigns the survivor of them, and the personal representatives of the survivor, forever, in fee simple.

AND, the Grantor hereby covenants that he has not done, suffered to be done any act, matter or thing whatsoever to

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNED _____ DATED 2/1/82

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
2/1/82
CLERK DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per _____
Authorized Signature
Date 2/1/82 Sec. 11-65

encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.

The First National Bank of Maryland, holders of First and Second Deeds of Trust on Parcel 4 join in this conveyance for the sole purpose of permitting the within transfer without the acceleration of the obligations secured by said Deeds of Trust.

Witness the hands and seals of the Grantor.

Witness

EDWARD N. SILCOTT (SEAL)

THE FIRST NATIONAL BANK
OF MARYLAND

Witness JoAnna M. Keller

BY: Philip E. Stackhouse
Philip E. Stackhouse
Vice President

STATE OF MARYLAND, COUNTY OF _____ to wit:

I HEREBY CERTIFY that on this ___ day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared EDWARD N. SILCOTT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained, and he further made oath in due form of law that the actual consideration paid for the within transfer is $0.00.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF Baltimore to wit:

I HEREBY CERTIFY that on this 17th day of November, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Philip E. Stackhouse, known to me (or satisfactorily proven) to be the Vice President of The First National Bank of Maryland, and who in his capacity acknowledged to me that he executed the within instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public Jessie W. Hilseberg

My Commission Expires: 7/1/82

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Attachment "A"

PARCEL 1: Containing 4.414 acres of land, and

BEING the same lot of ground identified as "Parcel No. 1", which by deed of even date and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 2: Containing .120 acres of land, more or less, and

BEING the same lot of ground identified as "Parcel No. 2" which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Mercantile-Safe Deposit and Trust Company, et al., to the within Grantor.

PARCEL 3: Containing 42.06 acres of land, more or less,

BEING the same lot of ground which by deed of even date and recorded or intended to be recorded among the aforesaid land records immediately prior hereto was granted and conveyed by Harry Shapiro, et al., to the within Grantor.

PARCEL 4: Containing 48.6187 acres of land, more or less, together with the right to the use in common with others entitled thereto of a right of way to Oakland Road; and

BEING the same lot of ground which by deed dated August 1, 1979, and recorded among the aforesaid Land Records in Liber E.H.K. Jr. No. 6057, folio 879 was granted and conveyed from Jennie B. Gray to the within Grantor.

The Grantor executes this deed in exercise of the powers set forth in the above described deeds, and intends to create fee simple estates in the Grantees as to each parcel hereby conveyed.

Rec'd for record FEB 24 1982 at 11 58 A M
Per Elmer J. Kahline, Jr. Clerk
Mail to J. Barry Hughes
Receipt No. 1300

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK Jr. 6371, p. 0709, MSA_CE62_6226. Date available 04/06/2006. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 21267, p. 0347, MSA_CE62_21122. Date available 01/26/2005. Printed 01/24/2018.

THIS DEED MADE THIS October 11, 2004, by and between Edward and Janice Silcott, Sole Owners, party of the first part, GRANTOR; and Steven Silcott, sole owner, party of the second part, GRANTEE.

Witnesseth, that for no consideration, the said GRANTOR, does grant and convey to the said GRANTEE, sole owner, its heirs, representatives and assigns, in fee simple all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

All that lot of ground situation and lying in Baltimore County, State of Maryland and described as follows:

Being known as Parcel Number 1 in the deed from Mercantile Safe Deposit and Trust Company as trustees and Juliet Berry Iglehart Offutt to Edward and Janice Silcott, said deed dated February 5, 1982 and recorded among the land records of Baltimore County at Liber 6371, page 696, E.H.K.Jr. 02075 80370
Tax Account No. ~~0275880370.~~
And with legal description as follows:

BEGINNING for the same at a point where the south side of Deer Park Road existing 30 feet wide, intersects the 13th or north 30 degrees 28 minutes 22 seconds west 823.79 foot line of the conveyance from Jennie B. Gray to Edward N. Silcott, by Deed dated August 1, 1979, recorded among the land records of Baltimore County in Liber E.H.K., Jr. No. 6057 folio 879; said point of beginning being distant south 30 degrees 26 minutes 02 seconds east 13.18 feet from a "P.K." Nail found just sought of the centerline of the aforementioned Deer Park Road; thence leaving said point of beginning so fixed and running with and binding along the sought side of said Deer Park Road, as now surveyed, (1) North 89 degrees 32 minutes 25 seconds east 120.78 feet, (2) South 87 degrees 22 minutes 41 seconds east 264.03 feet, and (3) South 80 degrees 16 minutes 03 seconds east 145.84 feet to intersect the east boundary of land secondly described in a deed from Ephrain Triplett to Adam J. Frederick by Deed dated July 10, 1889 recorded among the land records of Baltimore County in Liber E.H.A. No. 63, Folio 276; thence leaving the south side of Deer Park Road and running with and binding along the said east boundary of the said Frederick Property; across a portion of aforementioned Edward Silcott property as now surveyed, (4) South 07 degrees 23 minutes 12 seconds west 651.49 feer, (5) South 63 degrees 46 minutes 38 seconds West 11.55 feet, and (6) South 63 degrees 01 minutes 38 seconds west 26.40 feet to a point marking the beginning of the aforementioned 823.79 feet line as now surveyed, (7) North 30 degrees 26 minutes 02 seconds West 810.61 feet to the point of beginning. Containing in all 4.414 acres of land, more or less.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said GRANTEE its heirs, representatives and assigns, in Fee Simple.

AND the said grantor hereby covenants that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 12-23-04

REVIEWED SDAT
BY 12/23/04
DATE

same as may be requisite.

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

Edward Silcott, Grantor

Janice Silcott, Grantor

STATE OF MARYLAND

To wit:

COUNTY OF Baltimore

I HEREBY CERTIFY that on this October 11, 2004, before me personally appeared persons who identified themselves to me by satisfactory proof as being Edward and Janice Silcott and did execute the foregoing Deed for the purposes therein contained, by affixing their signatures to same.

Notary Public

JACQUELINE RAPP NOTARY PUBLIC BALTIMORE COUNTY, MD

My Commission Expires:

10-1-07

This is to certify that the within Deed was prepared by an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Samuel Sperling

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 21267, p. 0348, MSA_CE62_21122. Date available 01/26/2005. Printed 01/24/2018.

0021267 349

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ■ County: BALTO.

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only. All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

CTR FD SURE $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rec'd BA15 Rcpt # 10628
Sm DH Blk # 1974
January 12, 2005 03:53 PM

1 Type(s) of Instruments

2 ☐ Check Box if addendum Intake Sheet is Attached.

☒ Deed	☐ Mortgage	☐ Other	☐ Other
☐ Deed or Trust	☐ Lease	☐	☐

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☒ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable)

Recordation:
State Transfer: to Son
Cite or Explain Authority
County Transfer:

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration
Purchase Price/Consideration	$ 0	
Any New Mortgage	$	
Balance of Existing Mortgage	$	
Other:	$	
Other:	$	
Full Cash Value:	$ 0	

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

Agent: Grant
Clerk:
Tax/Other:

Reviewed SDAT

5A Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District (1)	Property Tax ID No. (2)	Grantor Liber/Folio	Map	Parcel No.	Var. Loc.
02	02-07-580370		57	350	☐

Subdivision Name	Lot (3a)	Block (3b)	Sect/Ar (3c)	Plat Ref. (4)	Sq Ft/Acreage (4)

Location/Address of Property Being Conveyed (2): 6136 Deer Park Rd

Other Property Identifiers (if applicable): Water Meter Account No.:

Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ If Ground Rent: Amount:

Partial Conveyance? ☒ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred: 9.419 acres

If Partial Conveyance, List Improvements Conveyed: none

6 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Edward N. Silcott Tawn L. Silcott	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

7 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Steven Silcott	

New Owner's (Grantee) Mailing Address: same as property

8 Other Names to Be Indexed

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

9 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: c/o Ed Silcott
Firm 6136 Deer Park Rd
Address: Reisterstown, MD 21136
Phone: ( )

☒ Return to Contact Person
☐ Hold for Pickup
☒ Return Address Provided

10 IMPORTANT: BOTH THE GRANTOR AND GRANTEE A PROTOCOL MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify:
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Trans Process Verification

Transfer Number:		Date Received:		Deed Reference:	Assessed Property No.:
Year:	20	20	Geo:	Map:	Sub:	Block:
Land:			Zoning:	Grid:	TAX NOT REQUIRED	Lot:
Buildings:			Use:	Parcel:	Director of Budget and Finance	Doc. Cd:
Total:			Town Cd:		BALTIMORE COUNTY, MARYLAND	

REMARKS:

☐ COUNTY TRANSFER TAX Per Exempt Sec 33-139

☐ RECORDATION TAX Per $ T.P. ART 12-108

Date 12/30/04

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 21267, p. 0349, MSA_CE62_21122. Date available 01/26/2005. Printed 01/24/2018.

File #. 861594
Tax ID #s: 02-0207580370&
02-1900007120

DEED, FEE SIMPLE

THIS DEED made this 30th day of October, 2014 by and between Edward N. Silcott, party of the first part, Grantor and El Paso Colby, Inc., a Delaware corporation, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum Two Million Four Hundred Thousand dollars and Zero cents ($2,400,000.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which are hereby acknowledged, the said party of the first part does grant and convey to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple, all those lots of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERE TO AND MADE APART HEREOF

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

TO HAVE AND TO HOLD the said described lots of ground and premises to the said El Paso Colby, Inc., a Delaware corporation, sole owner, in fee simple.

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

REVIEWED SDAT
11-12-14
DATE
BY

Agricultural Transfer Tax
Not Applicable - Letter of Intent
Signature KP Date 11/12/14

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0429, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

WITNESS the hand(s) and seal(s) of Grantor.

TEST:

(Seal)
Edward N. Silcott, Grantor

STATE OF Maryland, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 30th day of October, 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Edward N. Silcott, known to me (or satisfactorily proven) to be the subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public

ELI J. NEWMAN NOTARY PUBLIC CITY OF BALTIMORE, MD COMMISSION EXPIRES MARCH 3 2015

My Commission Expires: _____

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Eli J. Newman, Esquire

RETURN TO:

Commerce Title Company, Inc.
1777 Reisterstown Road, Suite 200 West
Baltimore, Maryland 21208
(410) 653-4004
File No. 861594

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0430, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0431, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

EXHIBIT "A"
LEGAL DESCRIPTION

File Number: 861594

PARCEL 1- Tax Account # 0207580370

Beginning for the first at a "PK" nail set in the approximate centerline for Deer Park Road at the end of the 2nd line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, running thence binding on the 3rd and 4th lines of land described in abovementioned deed as now surveyed and referring all courses to the True North by Solar Observation, (1) South 80 degrees 41 minutes 30 seconds East 282.15 feet to a pipe set on the north edge of the hard surface of the abovementioned road, said pipe being South 02 degrees 08 minutes 36 seconds West and 10.11 feet distant from a metal post in concrete, running thence along the north edge of the hard surface of said Deer Park Road, (2) South 75 degrees 10 minutes 32 seconds East 213.60 feet to a "PK" nail set in the north edge of the hard surface of Deer Park Road at the beginning of the 5th line of land described in a Deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, folio 491 from Paul Shipley et ux to Jennie B. Gray, said "PK" nail also being at the point of beginning of land described in a deed dated June 3, 1922 and recorded among the aforesaid Land Records in Liber 557 folio 74 from Laura E. Murray et al to Edwin R. Stringer, running thence binding in and along Deer Park Road and binding reversely on the 4th line of land described in last mentioned deed, (3) South 79 degrees 46 minutes 45 seconds East 287.22 feet to a "PK" nail set in said road approximately 4.0 feet north of the South edge of the hard surface of said road, and being on the west 73 perches line of land called Porters Hall and described in a deed dated June 25, 1890 and recorded among the aforesaid Land Records in Liber 180, folio 540 from Barbara A. Murray and husband to Ann R. Murray, said "PK" nail also being at the end of the 6th line of land described in abovementioned deed from Shipley to Gray, running thence binding in and along said road the following two courses and distances and binding also on the 7th line of land described in abovementioned deed from Shipley to Gray, (4) south 83 degrees 25 minutes 01 seconds East 105.01 feet to a "PK" nail set in said road approximately 4.0 feet north of the south edge of aforementioned road, said "PK" nail being at the end of the 4th line of land described in a deed dated November 14, 1969 and recorded among the aforesaid Land Records in Liber 5056, folio 506 from Urban Title Holding Company Inc. to Martha A. Dosh running thence leaving said Deer Park Road and binding reversely on the 4th and 3rd lines of land described in just mentioned deed, (5) South 14 degrees 35 minutes 44 seconds West 217.26 feet to a pipe set and passing over a pipe set 15.00 feet from the beginning of this line, said pipe set at the end of just mentioned South 14 degrees 35 minutes 44 seconds West 217.26 feet line being South 75 degrees 33 minutes 44 seconds East and 8.55 feet distant from a 6 inch diameter well casing found, (6) South 75 degrees 33 minutes 44 seconds East 206.10 feet to a pipe set on the 9th line of land described in abovementioned deed from Shipley to Gray, running thence binding on the outline of just mentioned deed for the seven following courses and distances (7) South 11 degrees 08 minutes 53 seconds West 867.91 feet to a pipe set, running thence binding on the remains of an old wagon road bed the following two

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0432, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

courses and distances, (8) South 10 degrees 18 minutes 13 seconds West 463.31 feet to a pipe set, (9) South 15 degrees 20 minutes 13 seconds West 1092.08 feet to a pipe set on the north side of Oakland Road on the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, folio 198 from Ivy M. Gosnell et al to Richard S. Duncan et ux, and being South 84 degrees 59 minutes 13 seconds West and 68.40 feet distant from the end thereof; running thence binding reversely on the 4th line and land described in just mentioned deed, (10) South 84 degrees 59 minutes 13 seconds West 501.60 feet to a pipe set at the base of a 5 inch diameter poplar tree, just mentioned pipe set also being North 84 degrees 59 minutes 13 seconds East and 486.78 feet distant from a concrete monument found, (11) North 10 degrees 51 minutes 14 seconds East 1522.95 feet to a pipe set South 13 degrees 15 minutes 18 seconds West and 67.0 feet distant from a 10 inch diameter cherry tree, said pipe being also at the end of the 2nd line of land described in a deed dated January 30, 1974 and recorded among the aforesaid Land Records in Liber 5428, Folio 757 from Irvin Selko to Samuel D. Kalis, running thence binding reversely on the 2nd line of land described in just mentioned deed, (12) North 30 degrees 28 minutes 22 seconds West 759.00 feet to a pipe set on the southwesterly boundary line of land secondly described in a deed dated July 10, 1889 and recorded among the aforesaid Land Records in Liber 63, Folio 276 from Ephrain Triplett to Adam J. Frederick, running thence binding on the southwesterly boundary line of land described in just mentioned deed (13) North 30 degrees 28 minutes 22 seconds West 823.79 feet to a "PK" nail set in the approximate centerline of said Deer Park Road at the end of the 4th line of land firstly described in just mentioned deed, running thence binding in and along said road and binding reversely on the just mentioned 4th line of land, (14) South 86 degrees 46 minutes 14 seconds East 537.97 feet to the place of beginning. Containing 48.6187 acres of land more or less.

Being Parcel 4 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Thomas and Jennifer Silcott by deed dated November 21, 2000 and recorded among the land records of Baltimore County beginning at Liber 15026 Folio 212, said excluded parcel containing 5.1919 acres of land more or less.

Further Saving and excepting all that parcel of land deeded to Steven Silcott, by deed dated October 11, 2004 and recorded among the land records of Baltimore County beginning at Liber 21267 Folio 347, said excluded parcel containing 4.414 acres of land more or less.

Together with the right to use in common with others entitled thereto of the following described parcel of land as and for a right of way from the above described property to Oakland Road, which said parcel of land is described as follows: Beginning for the same at a pipe set on the north side of Oakland Road at the end of the 11th line of land described in a deed dated September 25, 1941 and recorded among the Land Records of Baltimore County in Liber 1186, Folio 491 from Paul Shipley et ux to Jennie B. Gray, said pipe also being at the point of beginning of land described in a deed dated December 26, 1941 and

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0433, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

recorded among the aforesaid Land Records in Liber 1198, Folio 471 from Walter G. Warfield et ux to Jennie B. Gray, running thence binding reversely on the 11th line of land described in abovementioned deed from Warfield to Gray as now surveyed and referring all courses to True North by Solar Observation, (1) North 15 degrees 20 minutes 13 seconds East 100.51 feet, running thence for one new line of division, (2) South 24 degrees 33 minutes 09 seconds East 100.00 feet to a "PK" nail set in the centerline of Oakland Road at the end of the 4th line of land described in a deed dated December 1, 1961 and recorded among the aforesaid Land Records in Liber 3930, Folio 198 from Ivy Gosnell et al to Richard S. Duncan, et ux, running thence binding on said Oakland Road for the 1st part of the following course and distance and also binding reversely on the 4th line of land described in last mentioned deed, (3) South 84 degrees 59 minutes 13 seconds West 68.40 feet to the place of beginning.

PARCEL 2- Tax Account # 1900007120

Beginning for the second at a pipe found marking the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1,522.95 feet line of that land conveyed from Jennie B. Gray to Edward N. Silcott, et al., by Deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6057 folio 879; said point of beginning also being the beginning point of the second parcel of the conveyance to John C. Fitzpatrick and wife by deed dated October 14, 1910 and recorded among the Land Records aforesaid in Liber W.P.C. No. 369 folio 111, thence leaving said point of beginning so fixed and running with and binding reversely along the last line of said conveyance to John C. Fitzpatrick and wife as now surveyed, (1) South 84 degrees 59 minutes 36 seconds West 487.03 feet to a monument found marking a corner of the land conveyed by Jennie B. Gray to Mayor and City Council of Baltimore by deed dated July 9, 1951 and recorded among the Land Records aforesaid in Liber G.L.B. No. 2003 folio 157; thence for lines of division according to a survey by David J. Custar as shown on the unrecorded preliminary subdivision plan of ALVERMAR, (dated July 23, 1958), as now surveyed, (2) North 24 degrees 52 minutes 34 seconds West 774.00 feet to a pipe set and, (3) North 61 degrees 04 minutes 54 seconds West 125.00 feet to a pipe set; thence leaving the boundary of land conveyed as aforesaid to the Mayor and City Council of Baltimore and running for a new line of division herein set forth as now surveyed, (4) North 07 degrees 45 minutes 15 seconds East 700.15 feet to a pipe set along the south 81 degrees 48 minutes 50 seconds West 568.80 feet line of the conveyance from Rovill Title Holding Corporation to Symcha Shpak, et al., by deed dated June 28, 1979, recorded among the Land Records aforesaid in Liber E.H.K. Jr. No. 6121 folio 447; thence running with and binding along a portion of the East boundary of land conveyed as aforesaid to Symcha Shpak, et al., as now surveyed (5) North 72 degrees 56 minutes 57 seconds East 220.00 feet to a pipe found (6) North 19 degrees 56 minutes 03 seconds East 679.54 feet to a pipe set and, (7) North 32 degrees 50 minutes 55 seconds West 195.38 feet to a pipe set marking the end of the South 50 degrees 09 minutes 57 seconds West 283.50 feet line of the conveyance from the Grey Dawn Development Company, Inc. to Carl J. Kirby and wife, by deed dated September 20, 1963, recorded among the Land Records aforesaid in Liber R.R.G No. 4272 folio 253; thence running with and binding along said 283.50 feet line reversely as now surveyed, (8) North 41 degrees 18 minutes 04 seconds East 285.91

feet to a pipe set along the thirteenth line of that land conveyed as aforesaid to Edward N. Silcott, et al., thence running with and binding along a portion of the west boundary of said Silcott Property as now surveyed, and on a portion of said thirteenth line and all of the twelfth line of said conveyance, (9) South 30 degrees 26 minutes 02 seconds East 1,160.33 feet and, (10) South 10 degrees 51 minutes 14 seconds West 1,522.95 feet to the point of beginning. Containing in all 42.06 acres of land, more or less.

Being Parcel 3 in a deed dated February 5, 1982 recorded in the land records of Baltimore County in Liber 6371 Folio 707.

Saving and excepting however, all that parcel of land deeded to Stephen Silcott, by deed dated January 29, 1993 and recorded among the land records of Baltimore County beginning at Liber 9603 Folio 721, said excluded parcel containing 11.465 acres of land more or less.

The said Janice Silcott departed this life on or about 1/19/00, thereby vesting the absolute fee simple title in and to the herein described property unto Edward N. Silcott, the Grantor herein.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0434, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

2014
MARYLAND FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor
Edward N. Silcott

2. Reasons for Exemption

Resident Status
☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence
☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Edward N. Silcott
Name

Signature

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

File No.: 861594
MD Affidavit of Residence

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551; p. 0435, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

0035551 436

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

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

Nov 12.2014

THP FD SURE 40.00
RECORDING FEE 20.00
TR TAX STATE 12,000.00
TOTAL 12,060.00
Rcpt# 6385 Rcpt # 6391
CLK: DC BIR: 334
Date Received for Circuit 11/12/2014 02:38 PM
Court Clerk Recording Violation

1	Type(s) of Instruments	X Deed ☐ Deed of Trust	☐ Mortgage ☐ Lease	☐ Other:			
2	Conveyance Type Check Box	X Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Mult. Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]		
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation					
		State Transfer					
		County Transfer					

4	Consideration Amount		Finance Office Use Only	
	Purchase Price/Consideration	$2,400,000.00	Transfer and Recordation Tax Consideration	
	Any New Mortgage		Transfer Tax Consideration	$
Consideration and Tax Calculations	Balance of Existing Mortgage		X ( )% =	$
	Other		Less Exemption Amount -	$ 36000.00
			Total Transfer Tax =	$
	Other		Recordation Tax Consideration	$ 12000.00
			X ( )% =	$
	Full Cash Value		TOTAL DUE	$

5	Amount of Fees	Doc. 1	Doc. 2	Agent
Rec SDAT	Recording Charge	$20.00	.00	
Fees	Surcharge	$40.00	.00	Tax Bill:
	State Recordation Tax	$12,000.00	.00	
	State Transfer Tax	$12,000.00	.00	C.B. Credit:
	County Transfer Tax (if Applicable)	$36,000.00	.00	
	Other			Ag. Tax/Other:
	Other			

6	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
Description of Property	02	1900007120&0207580370	6371/707			☐

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	Sq. Ft./Acreage (4)

SDAT requires submission of all applicable information. A Maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

Location/Address of Property Being Conveyed (2)
6136 Deer Park Rd. Baltimore MD 21136

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☒ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. Of Sq. Ft./Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Transferred From	Edward N. Silcott	
	Doc. 1 - Owner(s) of Records, If Different from Grantor(s)	Doc. 2 - Owner(s) of Record, If Different from Grantor(s)

8	Doc. 1 - Grantee(s) Names	Doc. 2 - Grantee(s) Name(s)
Transferred To	El Paso Colby, Inc.	
	New Owner's (Grantee) Mailing Address	
	12120 Esther Lama Dr. S-100, El Paso Tx. 79936	

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

10	Instrument Submitted By or Contact Person	
Contact/Mail Information	Name: Menucha Prince	X Return to Contact Person
	Firm: Commerce Title Company, Inc.	☐ Hold for Pickup
	Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, Maryland 21208	
	Phone: (410) 653-4004	X Return Address Provided

Space Reserved for County Validation

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes	X No	Will the property being conveyed be the grantee's principal residence?	
☐ Yes	X No	Does transfer include personal property? If yes, identify:	
☐ Yes	X No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 35551, p. 0436, MSA_CE62_35407. Date available 11/17/2014. Printed 01/24/2018.

DUPLICATE PAID RECEIPT

RECEIPT # 458	11/12/2014	12:46:15	CKLN
BUSINESS	ACTUAL	TIME	
SHIL SAH	11/12/2014	12:46:15	8
Prepare	SDAT Office of Finance		
Distribution: White-Clerk's Office			

ACCOUNT NO 1900007120
DESCRIPTION TAXES
Dept: 7 701
REMARKS:
$48,000.00
CK $.00 CA
County, Maryland

MARYLAND SDAT: CHARTER SCAN (Land Records) SM 15026, p. 0212, MSA_CE62_14881. Date available 03/08/2005.

DEED

Made this 21st day of November, 2000, by and between Edward and Janice Silcott, individuals, party of the first part, and Thomas and Jennifer Silcott, husband and wife, property to be held as tenants by the entireties, party of the second part.

WITNESSETH, that in consideration of the sum of $0.00, receipt of which is hereby acknowledged and certified by the party of the first part under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first part does grant and convey unto the party of the second part in all that property situate in Baltimore County, State of Maryland, described as:

all that lot or parcel of ground, situate, lying and being in the Second Election District of Baltimore County, Maryland, on the north side of Oakland Road, approximately 0.6 miles west of Deer Park Road and which, according to a survey by Albert LeRoy Snyder, Registered Property Line Surveyor No. 26, will all courses referred to the Baltimore County Grid Meridian, is described as follows:

Beginning for the same at a steel bar and cap set at the beginning of the eleventh or North 10 degrees 51 minutes 14 seconds East 1522.95 feet line of that tract of land which was conveyed by Jennie B. Gray to Edward N. Silcott and Janice L. Silcott, by deed dated August 1, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6057 folio 879 etc. (currently Parcel 4, as described in the deed from Edward N. Silcott to Edward N. Silcott and Janice L. Silcott, his wife, dated February 5, 1982 and recorded among the aforesaid Land Records in Liber E.H.K., JR. 6371 folio 707 etc.) said beginning point being also the end of the tenth or South 10 degrees 51 minutes 14 seconds West 1522.95 feet line of that parcel of land which was conveyed by Harry Shapiro, et al to Edward N. Silcott and Janice L. Silcott, by deed dated February 5, 1982 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. 6371 folio 702 etc., (currently Parcel 3, as described in the aforesaid deed from Edward N. Silcott to Edward N. Silcott and Janice L. Silcott, his wife, E.H.K., Jr. 6371 folio 707 etc.), said beginning point being also the end of the fourth or South 10 degrees 51 minutes 14 seconds West 700.00 feet line of that lot or parcel of land which was conveyed by Stephen N. Silcott to William J. Craig and Amy L. Craig, by deed dated November 27, 1996 and recorded among the aforementioned Land Records in Liber S.M. 11935 folio 161 etc., thence running reversely with and binding on the said fourth line and running reversely with a part of the said tenth line of Shapiro, et al to Silcott and running with and binding on a part of the aforementioned eleventh line of Gray to Silcott,

1.) North 10 degrees 16 minutes 44 seconds East 700.00 feet to a steel bar and cap heretofore set, thence running for lines of division now made through the first mentioned

Petitioner
CBA Exhibit
4

REVIEWED SDAT
BY 03/06/01
DATE

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15026, p. 0213, MSA_CE62_14881. Date available 03/08/2005. Printed 11/08/2018.

parcel herein, the following three courses and distances,

2.) South 46 degrees 47 minutes 18 seconds East 570.06 feet to a steel bar and cap now set, thence,

3.) South 14 degrees 58 minutes 17 seconds West 234.11 feet to a steel bar and cap now set, thence,

4.) South 25 degrees 41 minutes 59 seconds East 24.05 feet to a steel bar and cap now set in the northern right-of-way line of Oakland Road, as now established, and shown on Baltimore County Bureau of Land Acquisition Drawing No. RW 00-177, thence running with and binding on the said right-of-way line,

5.) by a line curving to the left, with a radius of 2904.40 feet, for a distance, measured along the arc of 12.38 feet which arc is subtended by a chord bearing South 64 degrees 10 minutes 25 seconds West 12.38 feet to a steel bar and cap now set, and intersecting the tenth or South 84 degrees 59 minutes 13 seconds West 501.60 feet line of the first mentioned conveyance herein, thence running with and binding on the said tenth line,

6.) South 84 degrees 36 minutes 32 seconds West 481.32 feet to the place of beginning.

Containing 5.1919 acres of land, more or less.

Being a part of Parcel 4, described in the deed from Edward N. Silcott to Edward N. Silcott and Janice L. Silcott, his wife, dated February 5, 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6371 folio 707 etc. and being all that lot shown as Lot 2 and designated as #1710 Oakland Road on the approved Minor Subdivision Plan of the "Edward N. Silcott Property", Baltimore County Office of Planning and Development Management File #00-049M and as recorded among the Land Records of Baltimore County, Maryland in the Platbook of Minor Subdivisions and Greenways S.M. 1 folio 212.

Subject to and together with the right to use-in-common, with others entitled, of a right-of-way, 20 feet wide, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9603 folio 721 etc., the centerline of which right-of-way being described as follows:

Beginning for the same in the first or North 10 degrees 16 minutes 44 seconds East 700.00 feet line of the lot described herein, distant North 10 degrees 16 minutes 44 seconds East 113.81 feet from the beginning thereof, thence running, the following five courses and distances,

1.) South 30 degrees 46 minutes 21 seconds East 9.95 feet,

2.) by a line curving to the left, with a radius of 100.00 feet for a distance, measured along the arc of 112.18 feet,

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15026, p. 0214, MSA_CE62_14881. Date available 03/08/2005. Printed 11/08/2018.

which arc is subtended by a chord bearing South 62 degrees 54 minutes 43 seconds East 106.39 feet,

3.) North 84 degrees 57 minutes 03 seconds East 115.04 feet,

4.) North 88 degrees 45 minutes 01 seconds East 167.83 feet,

5.) North 85 degrees 36 minutes 41 seconds East 104.88 feet to intersect the ninth or South 15 degrees 20 minutes 13 seconds West 1092.08 feet line of the first mentioned conveyance herein and to and through a right-of-way for ingress and egress through Lot 10 to Oakland Road, as shown on the plat entitled "Second Amended Plat of Beall Property" recorded among the aforesaid Land Records in Platbook 53 folio 125 and as recorded in Liber E.H.K., Jr. 6057 folio 879 etc.

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

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD the property hereby assigned unto the party of the second part, as sole owner, his/her personal representatives, heirs and

AND the said party of the first part covenants and will warrant specially the property hereby conveyed and will execute such further assurances of said land as may be requisite or necessary.

Witness the hand and seal of said Grantor(s).

_____ _____ (SEAL)
EDWARD SILCOTT

_____ Janice Silcott By Edward Silcott with attorney (SEAL)
JANICE SILCOTT

ACKNOWLEDGMENT

State of Maryland, Balto. County, to wit:

I HEREBY CERTIFY, that on this 21 day of NOV, 2000 before me, the subscriber, a Notary Public of the jurisdiction aforesaid, personally appeared Edward and Janice Silcott known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes contained therein.

Jacqueline Hossler
Notary Public

JACQUELINE HOSSLER NOTARY PUBLIC BALTIMORE COUNTY, MD.

My commission expires:
10-1-03

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

SAMUEL SPERLING

After recording, please return to:

Samuel Sperling
1777 Reisterstown Road
Commercentre West
Suite 212
Baltimore, MD 21208
410-653-0141

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15026, p. 0215, MSA_CE62_14881. Date available 03/08/2005. Printed 11/08/2018.

0015026 216

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

IMP FD SURE $ 5.00
RECORDING FEE 20.00
TOTAL 25.00
Rec# RA06 Rcpt # 79966
CK# SM Blk # 895
Mar 07, 2001 08:14 am

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☒ Deed | ☐ Mortgage | ☐ Other | ☐ Other
☐ Deed of Trust | ☐ Lease | | |

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1] | ☐ Unimproved Sale Arms-Length [2] | ☐ Multiple Accounts Arms-Length [3] | ☒ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	Father Son Gift
State Transfer	Father Son Gift
County Transfer	Father Son Gift

Father/Mother to son/daughter in Law

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 0	Transfer Tax Consideration	$
Any New Mortgage	$ 0	X ( ) % =	$
Balance of Existing Mortgage	$ 0	Less Exemption Amount	– $
Other:	$ 0	Total Transfer Tax	$
Other:	$ 0	Recordation Tax Consideration	$
Full Cash Value	$ 0	X ( ) per $500	$
		TOTAL DUE	$

IMP FD SURE $ 5.00
RECORDING FEE 20.00
TOTAL 25.00
Rec# RA06 Rcpt # 80076
CK# SM Blk # 1140
Mar 09, 2001 12:44 PM

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

Tax Bill: ypd
C.B. Credit: —
Ag. Tax/Other: * Ø exempt.

Rec'd SDAT

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
02	14-00-007120, ~~007300~~	6371/707			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
Minor Subdivision Plan of the Edward N. Silcott Property	1				

Location/Address of Property Being Conveyed (2)

6136 Deer Park Road, Reisterstown MD 21136

Other Property Identifiers (if applicable) — Water Meter Account No.

(Minor Subdivisions platbook (Subdivision/Freeways - S.M. 1 - folio 212. 02-07-580370

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ | Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. of SqFt/Acreage Transferred: 5.1919

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Edward/Anne Silcott	~~Tom/Jennifer Silcott~~
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Tom/Jennifer Silcott	

New Owner's (Grantee) Mailing Address

6136 Deer Park Road Reisterstown, MD., 21136

9 Other Names to Be Indexed

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

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Sam Sperling
Firm:
Address: 1777 Reisterstown Rd., Suite 212 West, Balt, MD 21208
Phone: (410) 653-0141

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

TRANSFER TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY MARYLAND
Per Tony Burgess
Authorized Signature
Date 3-6-2001 Sec 33-139 C

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15026, p. 0216, MSA_CE62_14881. Date available 03/08/2005. Printed 11/08/2018.

Baltimore County - My Neighborhood



Real Property Data Search (w1)

1

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Account Identifier: **District -** 02 **Account Number -** 1900007120

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	DEER PARK RD 0-0000	**Legal Description:**	30.395 AC DEER PARK RD RER 400 FT IVY MILL RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0258		0000				2019	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			30.2900 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	11,300	11,300		
Improvements	0	0		
Total:	11,300	11,300	11,300	
Preferential Land:	11,300			

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: ARMS LENGTH MULTIPLE	**Deed1:** /35551/ 00429	**Deed2:**
Seller: OLETSKI SAMUEL A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
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Real Property Data Search (w1)

2

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Account Identifier: **District -** 02 **Account Number -** 0207580370

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	6136 DEER PARK RD 0-0000	**Legal Description:**	34.944 AC SS DEER PARK RD 1320 FT W OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0350		0000				2019	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	11,409 SF	1008 SF	34.9400 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	7 full/ 3 half	2Att/2Det	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	456,500	456,500		
Improvements	1,307,000	1,307,000		
Total:	1,763,500	1,763,500	1,763,500	
Preferential Land:	7,700			

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35551/ 00429	**Deed2:**
Seller: SILCOTT EDWARD A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

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Real Property Data Search (w1)

3

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: | AGRICULTURAL TRANSFER TAX

Account Identifier: **District -** 02 **Account Number -** 2200014842

Owner Information

Owner Name:	CRAIG WILLIAM J CRAIG AMY L	**Use:** **Principal Residence:**	AGRICULTURAL YES
Mailing Address:	1724 OAKLAND AVE REISTERSTOWN MD 21136-5945	**Deed Reference:**	/11935/ 00161

Location & Structure Information

Premises Address:	1724 OAKLAND AVE 0-0000	**Legal Description:**	11.465 AC 1724 OAKLAND AVE 3300 SW DEER PARK RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0559		0000				2019	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1993	2,596 SF		11.4600 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2 1/2	NO	STANDARD UNIT	SIDING	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	116,400	116,400		
Improvements	259,000	259,000		
Total:	375,400	375,400	375,400	
Preferential Land:	3,900			

Transfer Information

Seller: SILCOTT STEPHEN N	**Date:** 12/11/1996	**Price:** $212,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /11935/ 00161	**Deed2:**
Seller: SILCOTT EDWARD N	**Date:** 02/16/1993	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /09603/ 00721	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: | AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

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Real Property Data Search (w1)

4

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: NONE

Account Identifier: **District -** 02 **Account Number -** 2300010556

Owner Information

Owner Name:	SILCOTT THOMAS SILCOTT JENNIFER	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1710 OAKLAND RD REISTERSTOWN MD 21136-5945	**Deed Reference:**	/15026/ 00212

Location & Structure Information

Premises Address:	1710 OAKLAND RD 0-0000	**Legal Description:**	5.1919 AC 1710 OAKLAND RD NSR 3200 FT SW DEER PARK RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0057	0013	0598		0000			1	2019	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2002	3,755 SF		5.1900 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	119,800	119,800		
Improvements	396,000	396,000		
Total:	515,800	515,800	515,800	
Preferential Land:	0			

Transfer Information

Seller: SILCOTT EDWARD N/JANICE L	**Date:** 03/08/2001	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /15026/ 00212	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 12/04/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

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Real Property Data Search (w1)

5

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: | NONE

Account Identifier: **District -** 02 **Account Number -** 2400009050

Owner Information

Owner Name:	SILCOTT STEVEN SILCOTT NORMA LILIANA	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	6226 DEER PARK RD REISTERSTOWN MD 21136-5909	**Deed Reference:**	/26757/ 00430

Location & Structure Information

Premises Address:	6226 DEER PARK RD 0-0000	**Legal Description:**	4.41 AC 6226 DEER PARK RD COR OF IVY MILL RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0606		0000				2019	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2007	2,360 SF	1880 SF	4.4100 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	YES	STANDARD UNIT	BRICK	3 full	2 Attached	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	113,900	113,900		
Improvements	378,400	378,400		
Total:	492,300	492,300	492,300	
Preferential Land:	0			

Transfer Information

Seller: SILCOTT STEVEN	**Date:** 03/11/2008	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /26757/ 00430	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Tax Exempt: | **Special Tax Recapture:**
Exempt Class: | NONE

Homestead Application Information

Homestead Application Status: Approved 12/04/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

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Real Property Data Search (w1)

6

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: | **Special Tax Recapture:** NONE

Exempt Class:

Account Identifier: **District -** 02 **Account Number -** 0204501200

Owner Information

Owner Name:	SUMMERHILL VANCE	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	6120 DEER PARK ROAD REISTERSTOWN MD 21136-5931	**Deed Reference:**	/23359/ 00604

Location & Structure Information

Premises Address:	6120 DEER PARK RD 0-0000	**Legal Description:**	1.05 AC 6120 DEER PARK RD 1320FT W OF OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0340		0000				2019	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1932	1,061 SF		1.0500 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	1 full	2 Detached	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	85,400	85,400		
Improvements	102,400	102,400		
Total:	187,800	187,800	187,800	
Preferential Land:	0			

Transfer Information

Seller: SUMMERHILL VANCE	**Date:** 02/08/2006	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /23359/ 00604	**Deed2:**
Seller: GOSNELL BERNARD,JR	**Date:** 12/30/1992	**Price:** $83,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /09530/ 00477	**Deed2:**
Seller: DOSH MARTHA A	**Date:** 10/10/1989	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /08293/ 00032	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Tax Exempt: | **Special Tax Recapture:** NONE

Exempt Class:

Homestead Application Information

Homestead Application Status: Approved 01/05/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Board of Appeals

Case No: 18-155 SPH Case Name: El Paso Colby.

Exhibit List

Party: Petitioner Date: 18/8/18

Exhibit No:	Description:
✓ 1	Devolution of Title Plan accompany Petition
✓ 2	Parcel 258 Deed History.
✓ 3	Parcel 350 Deed History
✓ 4	Deed 11/21/2000 Silcott to Thomas Jennifer Silcott.
✓ 5	Minor Sub Plat - 2000 Parcel 350
✓ 6	Balto County My Neighborhood Map + SDAT
	VERIFIED BY KC DATE: 11/9/18

IN THE MATTER OF:

EL PASO COLBY, INC.
CASE NUMBER: 18-155-SPH

Hearing Date: November 8, 2018

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204, commencing at 10:00 AM.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIRMAN

MAUREEN E. MURPHY, BOARD

WILLIAM A. MCCOMAS, BOARD

PRESENT ON BEHALF OF THE PARTIES:

LAWENCE E. SCHMIDT, ESQUIRE
Counsel for Petitioner

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestant

CAROLE S. DEMILIO, DEPUTY PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

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(ON RECORD - 10:06:53 AM)

CHAIR: So, we are here today on, for an appeal from Judge Beverungen, special hearing, obviously it's de novo. It's El Paso Colby, Inc. and it's case number 18-155-SPH. And if counsel could all identify yourselves for the record and let me just say that I understand that there's some construction going on nearby so everyone needs to keep one's voice up so that the recording gets things accurately, okay?

MR. SCHMIDT: Good morning, Chairman Evans and members of the panel. I'm Lawrence E. Schmidt with the law firm of Smith, Gildea & Schmidt with offices in Towson at 600 Washington Avenue and I am here representing the Petitioner, El Paso Colby, Inc.

MR. MCCANN: Good morning, everyone. Michael McCann, 118 West Pennsylvania Avenue here in Towson and I am here on behalf of Becky and Billy Conley, C-O-N-L-E-Y, and other members of the Lakeview Folly Farms Community, many of whom will be signing in on a sheet that we'll be passing around so.

CHAIR: Okay, great.

MS. DEMILIO: Carole Demilio, Deputy People's Counsel for Baltimore County.

CHAIR: Nice voice, huh? Okay. So, it's usually useful for us to hear some opening statements, brief, brief, to a point.

MR. SCHMIDT: I will be --

CHAIR: And, which I'm sure you do, Mr. Schmidt.

MR. SCHMIDT: Mr. Evans, yeah.

CHAIR: So, maybe we can start with that, is that acceptable?

MR. SCHMIDT: Sure. My reputation precedes me, Mr. Evans, as they say. I was just talking to Ms. Demilio. I'm going to try to be brief and, indeed, I believe the presentation of this case is going to be fairly brief today and I actually believe it's somewhat of a memorandum case to the extent that it is really a lot of questions of interpretations of law. I don't know that the facts are in dispute. With that said, I'll give you a brief overview of the facts, if I can.

CHAIR: Sure.

MR. SCHMIDT: And I'm going to approach the drawing, which is on the board. The, as you indicated, the property, the collective property is owned by El Paso Colby, Inc., which is a Maryland corporation and the property at issue is actually these two properties which are shown on this plan and I can give you a plan up there if you'd like to have one in front of you, or if you can see this, but just generally, these are two separate, two separately described parcels or we would submit that they are known as parcel 350, which is the purple one, and 258, which is the teal one. 350 is just short of forty acres, it's shown on the plan as 39.48 acres. 258 is 30.6 acres. They are both zoned RC-4. They're located off of Deer Park

Road, which runs across the front, front of, or the top of the, the page. Just by way of context, because it's a little bit unusual, El Paso Colby, Inc. is represented here today by the two ladies in the front row, Ms. Mariana Senterserios (phonetic), pretty close and Miro Turminel (phonetic), and El Paso Colby is, although it's a Maryland corporation, the principal of that corporation is a gentleman by the name of Luis Lara, who is actually Mexican, as are these ladies. And it's a little bit of an unusual case, doesn't really go to the germane facts, but just to give you a little bit of background and context, for a number of years, this property was owned, these properties were owned by a gentleman by the name of Edward Silcott, S-I-C-O-T-T, and Mr. Silcott purchased the properties separately back in the late seventies and early eighties and has owned the property since then. Mr. Silcott, as I understand it, he is now elderly and not in good health, which is, explains his absence here today. But he, he owned these properties and he was actually, worked in the defense industry for Westinghouse. My understanding is that, that his employment took him abroad and he met Mr. Lara, the principal of El Paso Colby, in Mexico through his business. And they became very good friends for a number of years. In 2008, Mr. Silcott, as I understand it, was hit very hard by the economic recession at that time and there was a bankruptcy proceeding and the like. And Mr. Si, Mr. Lara, somewhat came to his aid

by purchasing these properties from Mr. Silcott at that time, actually in 2014, several years later. And paid, essentially, off the mortgage that was on these properties, which was $2.4 million at the time, as the properties had been heavily, heavily leveraged, as I understand it. Mr. Silcott, however, continued to reside on one of the properties and through an arrangement that Mr. Lara allowed his friend to keep, have a place to live and remain in his home. Mr. Silcott's wife, a lady by the name of Janice Silcott, has passed away within the past year. Mr. Silcott, as I have indicated, is elderly and will be moving probably to Florida, is our understanding, because of his health. And Mr. Lara and El Paso Colby are now in a position where they're going to be selling the properties and because of the unusual configuration and history of these properties, as will be described by Mr. Wells, our surveyor, a question has arisen as to what is the development potential of these properties for the purpose of the sale, and the properties are not under contract, what can be done with these properties? Can they be subdivided? If so, how many lots can be generated and that's why we're here, essentially, to get an answer from the Board as to what the development potential of these properties are.

CHAIR: When, when Mr. Silcott bought these properties, were, were they separate parcels then?

MR. SCHMIDT: Yes, sir, they were. They were

separately described in the Land Records and we've got all the Deeds and Mr. Wells' testimony. So, we are not proposing any subdivision. We are not asking for any zoning relief, we're not asking for any approval of any proposed subdivision per se. We are just asking somewhat a simple question, what is the potential of these. I would say one other fact, which will come out. The properties as they were configured when Mr. Silcott purchased them, both of them, were slightly larger. You will see, and evidence is going to bear this out, a property that's attached to 258, the teal colored one, which is about eleven acres. This was subdivided out or created and conveyed to Mr. Silcott's son, Steven Silcott, I believe is his name. And all, I think ultimately conveyed to, actually I think it went to the son and then the son conveyed it to his sister, who is named Craig, a married name. So, there is an implication as to what the effect and impact is of the conveyance of this property from this property. So, that will come into it, but I don't think the facts that this is now owned and improved are under dispute.

CHAIR: Right.

MR. SCHMIDT: But the implication of that you'll hear about that. Similarly, there was a conveyance of another property out of 350, which is the purple piece. This one was to another son, Mr. Silcott's other son, owned, I think this is Thomas Silcott actually, who, who lives here. And you'll hear

about that. You'll hear about whether these conveyances were legal, illegal, how they were accomplished, that's all a factual scenario and then I think in our briefs, I would suspect we would tell you what we think that means under the County law. I'm not going to argue that today.

CHAIR: Sure.

MR. SCHMIDT: I just would point out as well that there is another property that is owned by the Silcott family. This is another son up here, this, when I say up here, it's a triangularly shaped piece right on Deer Park Road. That has not been part of these parcels. But you see the name Silcott. This was not conveyed, this is an older property that is owned by the family but is, at one time was owned by Edward but was not part of either of these parcels. I was intending on calling Mr. Wells to the stand, specifically, one of the witnesses here could talk about Mr. Silcott and just the relationship with Mr. Lara, not that that bears on the legal issues but I don't know whether that's under dispute or they would accept my opening statement or proffer as to how El Paso Colby came into, to title and why they're doing that and just an explanation. They are, obviously, although El Paso Colby is a Maryland company incorporated, Mr. Lara is a resident of Mexico and it's not a local developer, not even a national developer, he's just trying to get his, essentially, his money out of this, sell these properties. As, at that point in time,

a new buyer, whoever that may be, may do whatever they choose to do on these properties in terms of subdivision, consolidation. It's an RC-4, they could build a church, can have another special exception church case, Ms. Murphy. But, you know, that's an issue as we see for another day. We're not, we don't know who the buyer will be and are just trying, in essence, set the table, so they know what they can mark the property for.

MR. SCHMIDT: Okay. So, I saw Mr. McCann and Ms. Demilio shaking their heads yes with regard to the question of the personal histories --

MR. SCHMIDT: Yeah, and I just thought that was, to give you sort of a flavor as to why we're here and who the, who the parties are.

CHAIR: Right, right. But I, I don't know that we're going to need witnesses on that.

MR. SCHMIDT: Right.

CHAIR: I think everyone can accept what, what you represented on (inaudible).

MR. SCHMIDT: Thank you, Mr. Evans.

MR. MCCANN: We do accept, for the record, that proffer.

CHAIR: Okay.

MR. MCCANN: About those facts. No problem with that at all.

CHAIR: Okay.

MR. MCCANN: And, frankly, in light of the brevity of Mr. Schmidt's opening, I don't have anything to add.

CHAIR: Oh.

MR. MCCANN: I think we should, you know, get to the evidence and go from there.

CHAIR: Yeah, great. Ms. Demilio?

MS. DEMILIO: You know, let me just say briefly why our office is here. Well, one reason is, Mr. Wells and Mr. Schmidt came to us with that exact map, colored map, and asked us about the density on the property and we had a discussion about it and obviously our office encourages attorneys or Petitioners and the, and their expert witnesses to, the surveyors or engineers, to come and talk to us, so they did. And that's how we first got involved in the case. And secondly, it's because, I, you know, density is really in the heart of residential classification and it's usually based on three things. What's the zone on the property set in by the County Council? When and how the lots were created and if the process that Baltimore County requires to create lots (inaudible), and if there's any other law, whether State law or any other County law, that has implications for the density. So, what we have here is the property is RC-4, it's been RC-4 since the seventies. I don't think that's at all in dispute. We know that the purple parcel, which is 350, was part of a

minor subdivision and I think it was in the year 2000 where that was created. So, we do have some County process (inaudible) minor subdivision. But they, but also, we, what's in effect also on this site, is the 2012 State of Maryland law, which is called the, it's Senate Bill 236. It's called the Sustainable Growth and Agricultural Preservation Act of 2012, which we call (inaudible) and I think it's undisputed that on this site, the tier is tier four, which limits development to a minor subdivision, regardless of the zone on the property or regardless of that, the amount of acreage on the property. So, we're looking at those three factors I think when we make this decision. There's also, there's been some talk that there's a tenant house on the property or it's been called a tenant house. The RC-4 zone addresses that and what the requirements are for that and the CZ, and the, I'm sorry, the Baltimore County, Zoning Manual for Baltimore County also has specific forms for that. I don't think that's dis, disputed, but I'm just trying to give you a brief overlook, overview of what the law is here. So, that's why our office is here in this case and I agree with Mr. Schmidt, that it's primarily going to be the issue of legal interpretation to be presented in a, probably a memorandum to, to the Board and that would be our office's position, would be explained in that memorandum. Thank you.

CHAIR: So, it's sort of the intersection, I, of RC-4

and the Septic's Bill, right?

MS. DEMILIO: Yes, we call it, whatever the abbreviated name is.

CHAIR: That's, that's what it's called informally, right, the Septic's Bill?

MS. DEMILIO: Right, right. That, that's correct, Mr. Chair.

MR. SCHMIDT: And Mr. Evans, I, I would agree. I mean, it's, I think the memos that we think, I think, I've talked to Mr. McCann, I've talked to Ms. Demilio about this case and I think, not speaking for them, but the attorneys have agreed that the Septic Bill and the RC-4 regulations and how they merge and how they work together here is what the case is all about, the facts are what the facts are.

CHAIR: Right. So, this is wonderful, wonderfully amicable, so, you should just proceed with, with what --

MR. MCCANN: We should all just go home now.

CHAIR: Proceed with, with (inaudible).

MR. SCHMIDT: I can promise you we'll disagree in our memos, however. Okay. I would call Mr. Wells, if I could.

BOARD: Raise your right hand. Do you swear and affirm under the penalties of perjury, that the testimony you are about to give is true and correct to the best of your knowledge and belief?

MR. WELLS: I do.

BOARD: Please state your name, your business, your address for the record and spell your last name.

MR. WELLS: My name is Kenneth Wells. My address is 7403 New Cut Road, Kingsville, Maryland. My business is K.J. Wells, Inc.

BOARD: Thank you, sir. If you can sit down and just adjust that microphone there.

MR. WELLS: Sure, absolutely.

MR. SCHMIDT: Mr. Wells, I've just spoken to counsel and I think they agree to accept you as an expert. But just for the record, can you tell us the name of your company?

MR. WELLS: It's K.J. Wells, Inc.

MR. SCHMIDT: And what do you do for a living, sir?

MR. WELLS: I'm a registered professional land surveyor.

MR. SCHMIDT: Okay and as part of your land surveying, or how, I guess, let me strike that. Say how long have you been doing that?

MR. WELLS: I've been doing it, my business was formed back in 1984, it's been for a number of years.

MR. SCHMIDT: Okay and you're registered and licensed by the State of Maryland?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay and as part of your responsibilities as a land surveyor, you would typically

examine Deeds and provide legal descriptions of properties to be recorded in Deeds, etcetera, is that right?

MR. WELLS: That's correct.

MR. SCHMIDT: And for, you're familiar with the Land Records of the County and, as you, I'm sure, participated in the recordation of Deeds and plats as well as the zoning regulations of the County?

MR. WELLS: I am.

MR. SCHMIDT: Okay. I would offer Mr. Wells as a surveyor.

CHAIR: I don't think there's any objection.

MR. SCHMIDT: Okay.

MR. MCCANN: No objection.

MR. SCHMIDT: Mr. Wells, in this case, did there come a time, sir, that you were retained by El Paso Colby related to the subject properties?

MR. WELLS: Yes, it was in mid-2017.

MR. SCHMIDT: Okay and maybe it might be easier, I know you're suffering from a bad back. But if you want to go up to the board.

MR. WELLS: Sure.

MR. SCHMIDT: And I'm just going to generally ask you, you've heard my opening statement, but if you could just for the record sort of describe the properties, their acreage, their configuration, just give us an overview.

MR. WELLS: Yeah, as Mr. Schmidt had spoken, is that my, my effort was to, to devolve or go through a devolution of title to determine how, what, where the properties actually came from and the, and the process. We have two parcels. One is deemed as parcel 350, which is the purple parcel, and the other parcel is deemed as parcel 258. I began my devolution title back in 1955, which is shown on the exhibit that I believe we offered for parcel 258 and also I, the devolution of title for parcel 350 I began back in 1941. In essence, there was, there was originally, there was a, approximately, it was eighty, I think, yeah, it was 83.9 acre tract and then over a period of time, there was a number of properties that were out conveyed and, and initially this, as Mr. Schmidt had referred to, is that there was 11.5 acre parcel that was originally a part of the, the parcel 258. But this, the parcel 258, the teal and the purple, is actually, is what the property that El Paso owns so I just, Mr., Mr. Silcott had owned both parcels in the teal, 258, plus he owned the 11.5 acre parcel that was ultimately conveyed to his son. Likewise, with parcel 350, which consisted of, originally of 44.7 acres and through the devolution of title and ultimately this property was then subdivided into two lots. And I think, we'll go into further definition about this four acre parcel, the triangular portion.

MR. SCHMIDT: Okay.

MR. WELLS: But that, that's basically what had

transpired through, through time.

MR. SCHMIDT: And Mr. Wells, what's the zoning of the property?

MR. WELLS: RC-4.

MR. SCHMIDT: And it's been RC-4 since the seventies, to the best of your knowledge?

MR. WELLS: I believe that is to be the case, yes.

MR. SCHMIDT: Okay and you heard the discussion about the classification of the tier under the State septic's law, I think as Mr. Evans has called it, short, sort of short end for the name of that legislation. What tier is this under that law?

MR. WELLS: Tier four.

MR. SCHMIDT: Okay. Mr. Wells, is the purple piece and the blue piece, are those two separately described parcels in the Land Records of the County?

MR. WELLS: They are.

MR. SCHMIDT: Have they always been so separately described?

MR. WELLS: They have.

MR. SCHMIDT: Okay. I know, and you prepared this plan and it has your seal, does it not, on the right hand corner?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay. I would offer this, if I can, as

Petitioner's exhibit number one. Ms. Murphy, if I can approach? Thank you. I will put a sticker on there. And, members of the Board, would you like, we put one over there for counsel but we have other copies. How many would you like, Ms. Murphy?

BOARD: Would you like one?

BOARD: I would.

BOARD: I would.

MR. SCHMIDT: Would you all like one?

CHAIR: Three, if you have it.

MR. SCHMIDT: Okay. We do.

VOICE: (inaudible).

MR. SCHMIDT: Well, if you want, how about if I give you one to have right in front of you, is that, is that okay? And then I, then I'll submit those at the conclusion. Just so you have it in front of you. Thank you.

BOARD: How should we identify it?

MR. SCHMIDT: It is called a plan to accompany Petition for Special Hearing and I think you could call it the devolution of title plan as well. Mr. Wells, just drawing your attention to this plan, in the top left hand corner, and I'm just referring to it here on the plan, you show what's labeled the devolution of title for parcel 258, is that correct?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay and that would be the teal

covered, covered piece?

MR. WELLS: That, that's correct.

MR. SCHMIDT: Okay and in there, that lists a series of Deeds, starting with, it looks like it goes back to 1955, is that correct?

MR. WELLS: That's correct.

MR. SCHMIDT: The RC zoning regulations came into being in the mid-seventies, did they not?

MR. WELLS: That, that's correct.

MR. SCHMIDT: Okay and the, do you know when the tier law came into being?

MR. WELLS: It was 2012.

MR. SCHMIDT: Okay. So, obviously, this goes back before the RC zoning and the adoption of, by the State of the tier law?

MR. WELLS: That's correct.

MR. SCHMIDT: Your devolution of title --

MR. WELLS: Yes.

MR. SCHMIDT: Okay and then it appears that the Silcotts came into ownership of 258, my glasses.

VOICE: Here, here you go.

MR. SCHMIDT: Thank you. In 1982, is that correct?

MR. WELLS: That's correct, which included the lower portion.

MR. SCHMIDT: The teal piece and the, the eleven

acres at the bottom?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay and then, you also have a similar devolution of title at the bottom of the plan for the purple piece, correct?

MR. WELLS: That's correct.

MR. SCHMIDT: And again, that, that appears to go back to 1941?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay and, and the Silcott, Edward Silcott and his wife, Janice came into possession of that property I believe in 1979?

MR. WELLS: I believe, I believe that's correct.

MR. SCHMIDT: Okay, '79 for the one and '82 for the other, I believe.

MR. WELLS: Which, which not only includes the purple area but the, the area that's encapsulated by the purple area.

MR. SCHMIDT: And in this piece as well. Okay. So, I would offer that as Petitioner's exhibit number one. Mr. Wells, you prepared an exhibit, did you not, which basically were the Deeds that you reference in your devolution of title, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Okay and I'm going to show you, Ms. Murphy, if I can approach? I do have four of those. And Mr.

Wells, this exhibit is labeled parcel 258 and is, essentially, does it not, sir, mirror the listing of Deeds that's on the plan?

MR. WELLS: It does.

MR. SCHMIDT: Okay. If I could offer that as Exhibit 258.

MR. WELLS: Two.

BOARD: You mean, two.

MR. SCHMIDT: I, I mean two. We're not up to 258 exhibits, thank you.

BOARD: Parcel 258, the Deed history?

MR. SCHMIDT: Deed history, yes, yes, ma'am, that's fine.

MR. MCCANN: Ms. Murphy and Mr. Evans?

CHAIR: Yes, sir?

MR. MCCANN: I don't have a problem with these exhibits. The only thing I'm, I'm a little hesitant about is my client tells me that there may be, at least with respect to parcel 350, there may be a Deed that's missing and if there is, I'd like to provide that to the Board with our memo. If, in fact, that's true. I'm hearing that for the first time.

CHAIR: Sure.

MR. MCCANN: So, I'd like to add that, it's a matter of public record.

MR. SCHMIDT: Which, which Deed?

VOICE: From parcel 350, --

MR. SCHMIDT: Is it the conveyance to Steven?

MR. MCCANN: It's a 1982 Deed, I think it's parcel 606, right?

VOICE: (inaudible).

BOARD: Well, we're on 258 right now. So, let's --

MR. MCCANN: Yeah, I'm just, but with respect to both exhibits, I just want to put that in.

BOARD: Okay.

MR. MCCANN: If there's anything missing, I'll just add it. If Larry has a problem, I'm sure he'll let us know but I don't think --

MR. SCHMIDT: Right.

BOARD: Well, I mean, what, whatever you would be adding is a matter of public record, so.

MR. MCCANN: Correct.

MR. SCHMIDT: Right. And, okay. Mr. Wells, similarly, you did the same thing for parcel 350 as well, correct?

MR. WELLS: Correct.

MR. SCHMIDT: In other words, you prepared an exhibit which contained all the Deeds as reflected on your devolution of title?

MR. WELLS: I did.

MR. SCHMIDT: Okay. So, this is the same thing, Mr.

Evans, as to 350.

MR. MCCANN: Thank you.

MR. SCHMIDT: Now, I know Mr., Mr. Wells, there was another Deed and I don't know if this is what Mr. McCann is referring to because it was not on here. But as to the parcel which is now known as 598, which is this one and for the record, when I say this one, it is the parcel that was conveyed by Mr. and Mrs. Silcott to a family member, a child, and it's 5.192 acres in area. I think you had not included that actual Deed which was conveyed from the Silcotts to it's Thomas and Jennifer Silcott, who is the son and daughter-in-law, in the devolution of title, correct?

MR. WELLS: Let me see.

MR. SCHMIDT: And it's this one.

MR. WELLS: That's correct.

MR. SCHMIDT: Yes. So, Mr. McCann, I don't know if this is the one you're talking about or not.

MR. MCCANN: It is not.

MR. SCHMIDT: It is not? Okay.

CHAIR: So, just as a point of interest and I'm sure this is probably not relevant to anything, but it look like that portion is, is essentially landlocked?

MR. SCHMIDT: There's a, I believe there's an easement.

CHAIR: An easement.

MR. SCHMIDT: Oakland Road is down here. We do have an aerial and there's a common driveway that comes in, yeah.

MR. WELLS: Yeah, if I recall correctly.

MR. SCHMIDT: Yeah.

MR. WELLS: There was a highway widening of that which provided access into that property.

CHAIR: Okay.

MR. SCHMIDT: Okay. So, I would offer these, give a copy, and I've, Mr. McCann, if there's a Deed missing, I, and I mean, the only thing I would say is just, if you have it --

MS. DEMILIO: We'll let you know, yes.

MR. SCHMIDT: Let me know.

MR. MCCANN: Yeah, we will.

MR. SCHMIDT: Before we submit the memorandums.

MS. DEMILIO: We will.

MR. SCHMIDT: I mean, I'll be happy to take a look at it and certainly ask Mr. Wells, so I would offer that as exhibit number four. Mr. Wells, go ahead, continue, you were saying?

MR. WELLS: Well, I think I, I know what Mr. McCann is alluding to, it's the triangular part, property up in the corner.

MR. SCHMIDT: Okay and why don't you address that? Was the triangular part of the property, can you tell us what your investigation was of the history of that piece?

MR. WELLS: Well, in actuality, it's, gets a little convoluted, so bear with me. Mr. Silcott acquired this property, which is denoted as 350. He also acquired this property, which is 606, which is 4.4 acres and that's what I said, that we would get, probably get to later.

BOARD: And what parcel number is it, I'm sorry?

MR. WELLS: This is 606.

BOARD: 606.

MR. WELLS: Right. And, and the acquisition of that parcel was an acknowledgment of adverse possession. And so, the person who actually owned the property conveyed it to Mr. Silcott, or, or Ms. Craig, I forget, it was one of the, either Mr. Silcott or one of his predecessors. The, the prop, the, the issue, I think, is that when you look at the minor subdivision, it includes this parcel and I think that's incorrect, is, I think that's probably what, what maybe has transpired and maybe is, what is considered to be missing as a part of that. So that's, that's what my understanding of how this property, if you look on the tax map, this property is, is independent, even though it was shown as part of a minor subdivision but it was created having its own tax account number and parcel number.

MR. SCHMIDT: Okay. Let me explain that to the Board or ask you some questions about that and maybe we can get on to that, Mr., Mr. Wells. I mentioned in my opening statement and

just, and let's, let's first of all, discuss parcel 350, which again, is the, is the prop, is the purple piece. Okay. There came a time, did it not, where Mr., Mr. and Mrs. Silcott, as owners, submitted to Baltimore County a minor subdivision plan to convey a lot to their son and daughter-in-law, is that correct?

MR. WELLS: That's correct.

MR. SCHMIDT: And was that minor subdivision plan approved by the County, to the best of your knowledge?

MR. WELLS: It was in two, 2000, I believe.

MR. SCHMIDT: Okay and at that time, did the, did Mr. Silcott then cause there to be recorded in the Land Records of the County a plat reflecting the minor subdivision plan?

MR. WELLS: He did.

MR. SCHMIDT: Okay and I'm going to show you a copy of a plat and I will give four copies to the Board and this, Ms. Murphy, would be, I guess, number five?

BOARD: Five.

MR. SCHMIDT: Okay. And I can put a larger copy on the Board if we need it but I'll give counsel one so everybody has one.

MR. MCCANN: Thank you.

MR. SCHMIDT: And so, this subdivision of what is now known, parcel 598, was pursuant to the minor subdivision plan and plat, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Okay. Now, I think you said that that subdivision plan shows parcel 606, I can see it, 606, is that correct?

MR. WELLS: That's correct.

MR. SCHMIDT: And I think you said, I'm not trying to testify for you, but you said you believe that was in error?

MR. WELLS: It was incorrectly shown, it was in, incorrectly included in the minor subdivision.

MR. SCHMIDT: And why do you say that?

MR. WELLS: Because that had been a separate parcel and was acquired separately from the parcel which is designated as 350.

MR. SCHMIDT: Okay. Now, this is an RC-4 zoned property, correct?

MR. WELLS: Correct.

MR. SCHMIDT: And a subdivision of RC-4 can be done through a cluster subdivision under the RC-4 zoning regulations, is that correct?

MR. WELLS: Correct.

MR. SCHMIDT: And that requires a, a conservancy area, does it not?

MR. WELLS: It does.

MR. SCHMIDT: And does that also require a, the recordation of a conservancy Deed for the conservancy area?

MR. WELLS: It would.

MR. SCHMIDT: Was there a conservancy Deed recorded as part of that subdivision?

MR. WELLS: It was not.

MR. SCHMIDT: Okay. So, they did a plan and they did a plat but they didn't record any conservancy Deed?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay. Okay. As it relates to the blue property, which is parcel 258, you indicated there came a time where Edward and Janet Silcott conveyed eleven acres to a family member, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Now, unlike the piece that came out of the purple, was there a minor subdivision or plat recorded here?

MR. WELLS: None that I could find.

MR. SCHMIDT: Was there a conservancy Deed recorded here?

MR. WELLS: It was not.

MR. SCHMIDT: But there was a Deed by which the land was conveyed?

MR. WELLS: That's correct.

MR. SCHMIDT: But no minor subdivision plan or any kind of plan that you were able to locate that was approved by Baltimore County?

MR. WELLS: That's correct, I could not find any.

MR. SCHMIDT: And, and no plat?

MR. WELLS: No plat.

MR. SCHMIDT: And no conservancy Deed?

MR. WELLS: No conservancy Deed.

MR. SCHMIDT: Okay, thank you. And finally, Mr. Wells, at least in terms of exhibits, I had spoken to Ms. Demilio and I think just this might help with the, with the Board. I believe this is number six, Ms. Murphy? Ms., Mr. Wells, this exhibit, which we've marked as exhibit number six, if you can explain to the Board, let's start at the top, what's that first page?

MR. WELLS: It's a, aerial map that was derived from Baltimore County My Neighborhood, which depicts the subject areas.

MR. SCHMIDT: Okay. I'm going to stand over your shoulder if I can, because I don't have another copy. And that shows the, the, the vicinity, correct, at large, generally the neighborhood, including these properties, correct?

MR. WELLS: It does, correct.

MR. SCHMIDT: Okay and after that page, I'm going to get back to the numbers on the page, there's a series of tabs, one, two, three, four, five and six and those are what underneath those tabs?

MR. WELLS: They are data sheets that are generated

by the State Department of Assessment and Taxation.

MR. SCHMIDT: Okay. Now, the numbering on those tabs, does that correspond to the number on the photograph on the first page?

MR. WELLS: They do.

MR. SCHMIDT: Okay. So, the SDAT printout for property number one would be parcel 350?

MR. WELLS: Actually, it would be 258.

MR. SCHMIDT: I'm sorry, 258, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Number two is 350, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Number three would be --

MR. WELLS: That's correct.

MR. SCHMIDT: -- the eleven acres --

MR. WELLS: Eleven acres.

MR. SCHMIDT: -- that came out of 258.

MR. WELLS: 258.

MR. SCHMIDT: Without, at least according to your testimony, without a minor subdivision plan or other indication.

MR. WELLS: Correct.

MR. SCHMIDT: Number four would be the piece of, about five acres that came out of parcel 350.

MR. WELLS: That's correct.

MR. SCHMIDT: Pursuant to the minor subdivision and plan and plat that we've introduced, correct?

MR. WELLS: Correct.

MR. SCHMIDT: Okay and then number five is 60, parcel 606, which you've testified about that was the piece acquired separately through an adverse possession proceeding you believe and is, but is owned by a member of the Silcott family, correct?

MR. WELLS: That's correct.

MR. SCHMIDT: And then number six, just because it's in the area, is a one acre parcel that is not owned by the Silcotts, but it's, I just wanted to be thorough for the Board. And that's parcel 340?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay.

MR. WELLS: And I just want to note that the, it kind of, you see the, the blue line on that, the first page of five, of the, of the, it, it does, that blue line doesn't reflect what, what the actual Deed description describes. You can see that the, there's a, like a different color line between the different soils which is, makes it more of a triangular. That's more reflective of what's really there.

MR. SCHMIDT: Yeah, I think the, the blue, the blue line may just be a data on the data base. I mean, the --

MR. WELLS: That's correct, yeah.

MR. SCHMIDT: -- this exhibit is not intended, the aerial, to show property lines, just the general areas of the property.

MR. WELLS: Correct.

MR. SCHMIDT: Okay.

MR. WELLS: Just wanted (inaudible) clarify.

MR. SCHMIDT: Mr. Wells, just for the record as well, that, that, those data sheets from SDAT, they, they disclose, do they not, whether the prop, which, which of these properties are improved, correct?

MR. WELLS: They do.

MR. SCHMIDT: Okay and they also show the size of the property and also the size of the improvement, correct?

MR. WELLS: Yes.

MR. SCHMIDT: And when the improvement was built, correct? If it, there's a house, they show when the building was built?

MR. WELLS: Typically, yes, yes.

MR. SCHMIDT: Okay. Did you meet, did you make any inquiry as to, with SDAT, as to how that information is obtained to put on there?

MR. WELLS: Yes, I did.

MR. SCHMIDT: And what, what did you understand, what did you understand the situation?

MR. WELLS: It's, it's my understanding that the,

that information is based off of information provided by Baltimore County with respect to permits that have been issued.

MR. SCHMIDT: Okay. So, if I build a, if I get a permit and build a house, then that's how SDAT finds out to increase my tax bill because I've improved my property?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay. Sorry, the Board's indulgence. I, I may be done. I'm just making sure I covered everything and put all the exhibits in I wanted. Yeah, that would be, no further questions. Thank you, Mr. Evans.

CHAIR: Mr. McCann?

MR. MCCANN: Yes. Thank you. Good morning, again, Mr. Wells.

MR. WELLS: Sure.

MR. MCCANN: A couple sort of foundational questions first. You would agree with me, would you not, that under Baltimore County law and process, a minor subdivision is one that is three lots or less, correct?

MR. SCHMIDT: Objection. Just, I didn't call the witness and I didn't ask him any questions about his, his interpretation of what Baltimore County subdivision law is, or anything like that. That may very well be an issue for our memos, but I didn't produce Mr. Wells to offer any testimony about that. Beyond the scope of direct and I don't know, I'll say that. Beyond the scope of direct.

CHAIR: Go ahead.

MR. MCCANN: Number one, he's, he's already testified that there was, about a subdivision, a minor subdivision. He talked, talked about parcel, not 606, but 598 being part of that subdivision and 606 also improperly not part of that subdivision. So, I'm asking him some foundational questions about minor subdivisions, that's all, then I'll move on from there.

MR. SCHMIDT: You're asking him, and it's going to be an issue in this case, Mr. McCann, we've obviously talked about it, about what is a minor subdivision under County law and I didn't ask the, that's going to be an issue in this case, Mr. Evans. And I'm not going to argue it but I'm not presenting legal argument and I'm not asking that Mr. Wells render any legal opinions in that regard.

MR. MCCANN: Well, --

CHAIR: So, so, I think embedded in your questions is the notion that Mr. Wells is familiar with what a minor subdivision is, is it not? I mean, you asked him about the minor subdivision and that it included three parcels and doesn't that presuppose that he knows what a minor subdivision is?

MR. SCHMIDT: Well, he knows the Baltimore County process that as a minor subdivision, I mean, without getting into all the legal argument, I will just say this. I believe

that there's an issue in this case as to what a minor subdivision is. Notwithstanding what Baltimore County believes it to be, and I would proffer that, I mean, I would agree that Baltimore County believes a minor subdivision to be the development of a property into three lots or less. And that's what Baltimore County has instructed and has said, and that's been their, their position. I will tell you that I'm going to, going to raise that as an issue in my memorandum and I'm not asking Mr. Wells to comment with whether Baltimore County is right. So, his testimony was that that's how Baltimore County processed this and I don't dispute that. But I'm just, I do take issue with if whether it, in fact, is a minor subdivision.

CHAIR: Okay. So, Mr. McCann's, if Mr. McCann's question is, how does Baltimore County define a minor subdivision, you have no problem?

MR. SCHMIDT: I have no objection to that question.

CHAIR: Okay.

MR. MCCANN: I thought that's what I asked.

MR. SCHMIDT: That's not what you asked. You asked Mr. Wells what he thought.

CHAIR: Okay. Well, let's move on with the understanding that the question is how does Baltimore County --

MR. MCCANN: Yeah, I think I said under Baltimore County law and process, a minor subdivision is one that is, --

MR. SCHMIDT: I'm not trying to beat a dead horse,

but I don't think under Baltimore County law a minor sub, I don't agree with the, the premise, that's all I'm saying and I'm just not, I didn't ask Mr. Wells about it intentionally.

CHAIR: Okay. Okay, but the point is, we can all agree as to how Baltimore County defines a minor subdivision, can we not?

MR. SCHMIDT: No, we cannot.

CHAIR: We cannot.

MR. SCHMIDT: Because I do not believe there is a definition of Bal, of my, of the term minor subdivision in Baltimore County law.

CHAIR: Okay.

MR. SCHMIDT: So, I can agree, Mr. Evans, that Baltimore County, and I see Mr. Moxley was here, I don't know if he's still here, he's here. I suspect that Mr. Moxley, the reason he's here, is he's going to testify that Baltimore County says a minor subdivision is a division of land into three lots or less. I don't dispute that. Mr. Wells didn't do the minor subdivision plan that we introduced in evidence for this piece, this piece being the 5.192. So, a, another person did and I don't dispute that that person labeled his work and submitted it as a minor subdivision. I do dispute whether it, in fact, is a minor subdivision.

CHAIR: Right.

MR. SCHMIDT: So, I'm not asking him, I'm, so when

Mr. McCann says, you know, Mr. Wells may not have submitted it as a minor subdivision at that time. He may have called it something else. He didn't do it, he's never done any subdivision work on this property.

CHAIR: Okay. So, I don't think we've kind of reached that point yet in, the question, the question that I think was asked is, either under Baltimore County law or Baltimore County practice, is it not the case that a minor subdivision is, is a division into three lots or less, right?

MR. SCHMIDT: And I would agree that under Baltimore County practice, that is correct.

CHAIR: Okay. Is that, is that fair?

MR. MCCANN: That was my question.

CHAIR: Okay.

MR. MCCANN: I think that's a fair --

CHAIR: All right.

MR. MCCANN: Mr. Wells, do you agree with, with that?

MR. WELLS: I do.

MR. MCCANN: Okay.

MR. WELLS: I, I, specifically, I agree with what Mr. Schmidt had said.

CHAIR: Okay. You, you agree that under Baltimore County practice, a minor subdivision refers to a division into three lots or less.

MR. WELLS: That's correct.

CHAIR: Okay.

MR. MCCANN: (inaudible) concern I have based on, on this, it's relevant to that objection, if I may, Mr. Evans?

CHAIR: Sure.

MR. MCCANN: It sounds to me an awful lot like what this memo is going to look like is not just a memo on legal arguments. It's going to offer evidence about whether or not this evidence, in the form of expert testimony, but only stated through Larry's pen, that this was not a minor subdivision. That, I'm troubled by where this is heading. Because this hearing is completely, although I didn't attend below, to be honest with you, I didn't attend the ALJ hearing. But if you read the ALJ's opinion and based on what I know of that hearing, that case was all about density and Judge Beverungen's opinion is all about density and what I'm concerned about, and I, and I don't, this isn't really an objection other than I'm maybe giving the Board a heads up and I'm going to have a problem with a memo that has expert testimony, in the simplest way I can put it and, --

CHAIR: Okay.

MR. MCCANN: -- and I would ask that the Board look at, I mean, I'll deal with the memo when it comes but with that said, I'll move on. I have a couple more questions of Mr. Wells.

CHAIR: Okay, good.

MR. SCHMIDT: And, and I know better, I've been doing this a long time. I don't introduce evidence in my memos. I might attach copies of the law or something like that, but it's not, I'm not going to cite, I'm, I'm not soliciting Mr. Wells as an expert to render that opinion.

CHAIR: Okay.

MR. MCCANN: Maybe my point, more specifically, Mr. Evans, just to finish the thought. Is it's his Petition, he filed a Petition to determine, essentially, what density rights are on these parcels. He has a burden to produce that and produce any law and expert opinion on that issue. So, if we're going to get a copy of some PDM policy, which is, sometimes happens, in a memo to which we have not had the opportunity to respond, have not had the opportunity for an expert to address during the course of the hearing in front of you guys, then I think that's a problem. So, obviously, we can't do anything about that now, so I'll move on.

CHAIR: Okay. Well, we're forewarned.

MR. MCCANN: Okay.

CHAIR: Okay?

MR. MCCANN: I didn't mean to warn you like that, I wasn't shaking my finger for the record or anything like that.

CHAIR: No.

MR. MCCANN: But I just, I'm concerned. Would you also agree with me, Mr. Wells, that under Baltimore County law,

practice and policy, you cannot re-subdivide a minor subdivision?

MR. WELLS: No, I do not agree.

MR. MCCANN: You do not agree with that?

MR. WELLS: I do not.

MR. MCCANN: Okay. Why do you disagree with that?

MR. WELLS: If you use --

MR. MCCANN: Oh, I'm sorry --

MR. WELLS: -- if, if you use the practice of that it's a minor subdivision is three lots or less, and you create a, a lot using that process and you only create two lots, you can re-subdivide, you could continue to re-subdivide that property. So, I disagree with --

MR. MCCANN: Until you get, until you reach three lots, correct, under the minor subdivision process? Let me clarify my question, let me clarify my question --

MR. SCHMIDT: And Mr. Evans, I'm sorry, --

MR. MCCANN: There's no question. Would you agree with me that if you have a minor subdivision that has three lots in it, you cannot re-subdivide that minor subdivision through the minor subdivision process, would you agree with that?

MR. SCHMIDT: Objection. If I could just be heard, Mr. Evans? And, and I'm, and I'm sorry, but we are presenting no subdivision plan here. I have no idea who will buy this

property and what they will propose to do with it. So, whether they can re-subdivide parcel --

CHAIR: I don't want to cut you off but doesn't, doesn't min, doesn't the fact of minor, whether it is a minor subdivision or not, doesn't that effect density? Isn't that one of the parts that (inaudible) for density?

MR. MCCANN: Absolutely, absolutely.

MR. SCHMIDT: Is, does it, does it calculate density? Does it determine density?

CHAIR: Does it, is it part of the arithmetic by which one calculates density if there had been a minor subdivision, right, isn't that right?

MR. SCHMIDT: I'm not sure I understand your question. I'm sorry, I'm not trying to be difficult.

CHAIR: No, no, but, I mean, --

MR. SCHMIDT: If you're asking, does a minor subdivision determine density, my answer is no. A minor subdivision is a process. The, the County, the County has determined when one wishes to subdivide their land, the County prescribes two, at least two processes by which one would subdivide their land. One is a minor subdivision process, which the County says is when you're subdividing your land into three lots or less, the other one is the major subdivision process, which is when you're subdividing your land into more than three lots. So, you could have a lot that could have, you

could have a piece of ground that would have the potential to be divided into ten lots and one could do a minor subdivision if they didn't want to do ten lots, they only wanted to do three. So, so in answering your question, Mr. Evans, I'm sorry, I don't mean to be argumentative, but the difference between a minor and a major isn't about density, it's about the process that's used to sub, to subdivide land.

MR. MCCANN: That's what we're going to get in the memo, by the way, that kind of stuff, which is expert testimony.

MR. SCHMIDT: It's not expert testimony, it's what the law says.

MR. MCCANN: It's Mr. Schmidt's understanding of the law.

CHAIR: Okay.

MR. SCHMIDT: I'm going to, I, you bet I'm going to argue the, my understanding of the law in my memo, absolutely.

MR. MCCANN: Well, I'll move on anyway. I'm --

CHAIR: Okay.

MR. MCCANN: In fact, I'm not going to ask any further questions of Mr. Wells at all.

CHAIR: Oh, okay.

MR. MCCANN: Yeah.

CHAIR: All right.

MR. MCCANN: I'll sit down with that. Thank you.

MS. DEMILIO: Mr. Wells, you agree, there are some improvements on these properties already though? There's already structures on the properties?

MR. WELLS: That's correct.

MS. DEMILIO: Okay. If I could just, if I could just review them with you, just so, for the record, we know, okay. Parcel 258, the teal color, is unimproved?

MR. WELLS: That's correct.

MS. DEMILIO: Okay. Parcel 559, which is on Oakland Road, consists of 11.465 acres, there's a resident on that?

MR. WELLS: That's correct.

MS. DEMILIO: Okay. Parcel 350, which on Petitioner's Exhibit 1 is represented in purple, has some structures on there, right? Does it have a residence and other structures?

MR. WELLS: That's correct.

MS. DEMILIO: And what, do you know what the other structures are?

MR. WELLS: I hadn't visited the site. I know, based on aerial images, which is presented as an exhibit, that it does show more than just one structure. I, I couldn't identify which one is the dwelling or which one is maybe an accessory structure. Yes, but there are other --

MS. DEMILIO: (inaudible) what somebody could call a tenant house or at least informally --

MR. WELLS: Yeah.

MS. DEMILIO: -- when we met (inaudible).

MR. WELLS: Right.

MS. DEMILIO: Okay and then parcel 598, which was lot two on the minor subdivision, also on Oakland Road, consisting of 5.192 acres has one res, residence on it?

MR. WELLS: That's correct.

MS. DEMILIO: Okay and then if we can go up to parcel 606, which is on Deer Park Road, and it consists of 4.414 acres, also has a residence on it?

MR. WELLS: That's correct.

MS. DEMILIO: Okay and the ones that, for which there were permits, should be in your exhibit with the SDAT printouts, is that correct?

MR. WELLS: That's correct.

MS. DEMILIO: Okay. And, and since 1984, since you've been a surveyor, Mr. Wells, have you ever, have you ever prepared minor subdivision plans for clients?

MR. WELLS: I have.

MS. DEMILIO: Okay. Have you ever prepared one for more than three, more than three lots?

MR. WELLS: I have not.

MS. DEMILIO: Okay. Have you ever tried to prepare one for more than three lots?

MR. WELLS: I don't recall.

MR. SCHMIDT: Don't, don't --

MS. DEMILIO: We know you haven't, Mr. Wells, right? Okay. And --

CHAIR: Have you ever prepared one that purported to re-subdivide a minor subdivision that had been originally submitted for less than three lots? Let's say, two lots?

MR. WELLS: Could you rephrase that so I make sure I understand what you're asking?

CHAIR: Sure, I'll, I'll, I'll try to.

MR. WELLS: Okay, thank you.

CHAIR: And we'll both understand what I asked you. I think you indicated before that there could be, that, that if a minor subdivision plan was submitted, but only resulted in the creation of two lots, that there could be a re-division to make a third lot out of those two lots?

MR. WELLS: That's correct.

CHAIR: Okay. Have you submitted plans to that effect ever?

MR. WELLS: It's been a number of years. I don't recall.

CHAIR: Okay, that's fair enough.

MS. DEMILIO: Okay. Well, in light of that, Mr. Evans' question, I'm going to stand up (inaudible). In light of Mr. Evans' question, Mr. Wells, then it, are, is your testimony that if you create a minor subdivision for less, for

one, for two lots, let's say, and then you want to re-subdivide one of the lots, isn't it true you have to count all the lots created together in that second re-subdivision? In other words, the two you created in the beginning and then maybe the one additional that you want to create when you re-subdivide one of the lots, right?

MR. SCHMIDT: Ob, objection, same thing. It's a legal conclusion I'm not asking Mr. Wells about.

MS. DEMILIO: I'm not asking for a legal conclusion.

MR. SCHMIDT: We're, we're --

CHAIR: I think he's already answered the question, actually.

MR. SCHMIDT: Yeah, I think he said that, although he can't remember doing it, if he did a subdivision of two lots, he could do another re-subdivision.

CHAIR: Right.

MS. DEMILIO: For how many lots? No, --

MR. SCHMIDT: I think that's been the --

CHAIR: No, totaling three lots, totaling three lots, correct?

MS. DEMILIO: That's what I'm getting at. I don't think he said a total of three.

MR. WELLS: Yes.

CHAIR: Yes, all right, totaling three lots.

MR. SCHMIDT: Asked and answered. Yeah, I mean, it's

the same thing --

CHAIR: Okay.

MR. SCHMIDT: -- we've already been over.

CHAIR: Okay.

MS. DEMILIO: I didn't hear that (inaudible).

MR. WELLS: Okay.

MS. DEMILIO: I have no further questions.

MR. SCHMIDT: Just, Mr., Mr. Wells, do you know how long the County keeps permits on file?

MR. WELLS: On record, I believe it's three years.

MR. SCHMIDT: Okay and so, the County doesn't have the database for permits going back greater than three years, is that correct?

MR. WELLS: If they do, I'm unaware of it.

MR. SCHMIDT: Okay and, but your determination about the issuance of permits here, was based on the SDAT, the SDAT information that you obtained?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay. I don't have any other questions.

CHAIR: Okay.

MR. SCHMIDT: Just to clarify that. Thank you, Mr. Wells.

MR. WELLS: Sure.

MR. SCHMIDT: That would be the Petitioner's case.

CHAIR: Okay. Mr. McCann?

MR. MCCANN: Okay. Let me call Mr. Doak to the stand.

CHAIR: Mr. who?

MR. MCCANN: Doak, I'm sorry, D-O-A-K.

BOARD: Raise your right hand. Do you swear and affirm under the penalties of perjury, that the testimony you are about to give is true and correct to the best of your knowledge and belief?

MR. DOAK: I do.

BOARD: Please state your name, your business, your address for the record, and spell your last name.

MR. DOAK: My name is Bruce Doak, D-O-A-K. I, my business is Bruce E. Doak Consulting. My address is 3801 Baker Schoolhouse Road, Freeland, Maryland 21053.

BOARD: Thank you. And maybe move the microphone over just a little bit towards you.

MR. SCHMIDT: Mr. Evans, I'll stipulate that Mr. Doak is a surveyor. I know he's licensed in the State of Maryland and that as such, I expect he could testify as a surveyor. I would also note for the record that he is not an employee of Baltimore County. I assume he's not being offered to express the County's position and he is also not a member of the Maryland Bar and therefore, cannot offer legal opinions. But with that being said, I will accept him as a surveyor.

CHAIR: Well, he certainly can testify as to the practice in Baltimore County.

MR. SCHMIDT: He certainly may, but he can't testify as to the law, sir. Unless he's, unless he's a licensed attorney.

CHAIR: Well, I don't know that that's true but let, let's proceed and see where we, see where we go, how's that?

MR. SCHMIDT: Thank you, sir.

MR. MCCANN: Thank you, Mr. Evans. Mr. Doak, what do you do for a living?

MR. DOAK: I am a surveyor and also a land consultant.

MR. MCCANN: Okay. Let's stick with the surveyor first. I know Mr. Schmidt has acknowledged your expertise in that area but are you, number one, are you licensed?

MR. DOAK: Yes, sir, I am.

MR. MCCANN: How long have you been licensed?

MR. DOAK: Since 1988.

MR. MCCANN: Any --

CHAIR: Nineteen, I'm sorry?

MR. DOAK: Eighty-eight.

MR. MCCANN: Any problems with your license over the years? Any disciplinary action of any sort --

MR. DOAK: No, sir.

MR. MCCANN: And what do you generally as a surveyor,

as it relates to your, your work in Baltimore County?

MR. DOAK: It's very diverse. I can do anything from survey property lines to consult with developers on how to utilize, I mean, best utilize their property to helping someone build a home or any other structure on their property to giving an, or be an expert witness.

MR. MCCANN: Okay. I was asking about your surveyor work as opposed to your land consulting, but is that what you were answering?

MR. DOAK: Sure.

MR. MCCANN: Okay.

MR. DOAK: Yes, sir.

MR. MCCANN: As a surveyor, do you regularly perform devolutions of title?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: In other words, you look at Deeds, correct?

MR. DOAK: I do.

MR. MCCANN: You search title?

MR. DOAK: I do.

MR. MCCANN: Okay. With respect to your land consultant work, describe that work if you would?

MR. DOAK: Once again, very diverse. It, it will be to offer expert professional opinions to people on how to go through certain processes in certain jurisdictions and how to

best do that.

MR. MCCANN: Okay. So, you work for developers, correct?

MR. DOAK: I work for developers.

MR. MCCANN: You work for community folks, like my clients, correct?

MR. DOAK: I do.

MR. MCCANN: You work for other consultants, engineers and such, correct?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: Okay. The processes that you mentioned, is one of those processes the zoning process?

MR. DOAK: Yes, sir.

MR. MCCANN: In other words, do you regularly and often submit plans and applications for approval through the Baltimore County zoning process?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: Okay and as part of that process, do you regularly and often determine the, the density that might be available on a particular parcel or for a proposed development?

MR. DOAK: I do it more through the subdivision process than I would the zoning process.

MR. MCCANN: Okay.

MR. DOAK: So, in turn, any time that I am subdividing a piece of property, the density or the right to

build on it has to be determined.

MR. MCCANN: And you do that regularly and often?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: As part of the subdivision process?

MR. DOAK: Yes, sir.

MR. MCCANN: And how long have you been working as a land consultant doing such things?

MR. DOAK: Well, you do that as more as, or as much as a surveyor as you do a land consultant and I've been doing that since 1986 in this County.

MR. MCCANN: Okay. Are you familiar also with the zoning regulations?

MR. DOAK: Yes, sir.

MR. MCCANN: Do you regularly and often apply the zoning regulations during the course of your work as a land consultant?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: Okay and I think everybody in this room knows, but you've been accepted by this Board and by the Office of Administrative Hearings as an expert in zoning, correct?

MR. DOAK: That's correct.

MR. MCCANN: You've also been accepted by both the Board and the ALJ as an expert in the subdivision approval process?

MR. DOAK: Yes, sir, I have.

MR. MCCANN: Okay. Mr. Evans, I would offer Mr. Doak as an expert, not only in surveying but also in zoning regulations, zoning generally and, and the subdivision approval process as he's described.

MR. SCHMIDT: I guess, Mr. Evans, again, I don't know where the questions are going. Mr. Doak is certainly a surveyor and I respect his expertise and his background. Obviously, I mean, as you're getting the picture, I'm sure, this is going to turn on an interpretation of the regulations, the zoning regulations, the tier regulations, the County Code, etcetera. Whatever we all argue. To the extent that he would offer legal opinion, I don't know that that is appropriate. I would object for the record, because I don't believe that's appropriate. But, I guess I'll see where the questions go.

CHAIR: All right, okay. So, we'll accept him as an expert in the areas described by Mr. McCann and if there are specific questions that you think are beyond his expertise, then you can object to those specific questions.

MR. SCHMIDT: Thank, thank you, sir.

MR. MCCANN: Thank you, Mr. Evans. Let me just add another question in terms of your qualifications, Mr. Doak, if I could. And I'll use Larry's word, which was interpret the regulations. During the course of your work as a land consultant, do you regularly and often provide interpretations of the zoning regulations, including those regulations

pertaining to density?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: Okay and do you often and regularly testify about that, those interpretations, both before this Board and before the ALJ?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: Okay. All right, let's, let's move to this project, or proposal, rather. Have you analyzed the available density for the lots in question?

MR. DOAK: Yes, sir, I have.

MR. MCCANN: Okay. First, just describe generally what you did and what you looked at to do that.

MR. DOAK: Okay. When you go about performing a devolution of title, such as Mr. Wells, the same as I do, you look at the chain of title. So, in turn, you look at the Deeds, the conveyances, what was being conveyed in that Deed and then from that, you move forward with the, the next Deed of out conveyance and then you take that out of the, the (inaudible) wherever you started your devolution of title and then you end up with a knowledge of, of where, what things were taken out, where they were taken out and if so, the remainder, okay? It's like deconstructing a picture puzzle, if I may. So, you take the pieces out and with whatever you're left with, that's what you're left with, okay? So, and at the same time, what you're looking at is both that and how it applies to the,

the zoning regulation and density, the right to build a home on it, okay? With the RC-4, it is a zone that the density is based on a multiplier of whatever acreage it is, okay? For example, if you started with a hundred acres and it's, for RC-4 it's .2, you end up with twenty density units and as things come out of it, the density is subtracted and then you're left with a remaining acreage and then in turn, a remaining density.

MR. MCCANN: Okay. So, you mentioned, in performing an analysis of density, you look at the chain of title, you look at the Deeds, you look at the zoning regulations. You also look at any prior subdivisions?

MR. DOAK: You do.

MR. MCCANN: Okay.

MR. DOAK: You do. And not, not so much the subdivision doesn't dictate a change in density, it's more of a reflection of what, as of that time, it's like a picture of the property and its characteristics or what it has about it. So, once again, with the minor subdivision that was done in 2000 for this, at that time, it stated the acreage and in turn the multiplier and then how many density was left at that time.

MR. MCCANN: Okay. You mentioned that analogy of taking a picture. With respect to the RC-4 zone in particular, is there a point in time, a date that one looks at in determining density?

MR. DOAK: Well, the, the zoned RC-4 came about

November 25th, 1979. So, you start at that time. That's when it's applicable at that time.

MR. MCCANN: What do you mean, you start? Is that the picture you're talking about?

MR. DOAK: That's when the bill was passed and, in turn, the legislation was approved.

MR. MCCANN: Okay.

MR. DOAK: For RC-4.

MR. MCCANN: But when you say you started at that point in time, what do you mean by that?

MR. DOAK: So, once again, you've, if your, if your main focus is looking at density, you determine what the property looked like prior to November 25th, 1979 and then you, then from that point forward, you run the chain of title and you reduce, you look at the, that and, and respective of the RC-4 regulations.

MR. MCCANN: Okay.

CHAIR: In other words, if there had been a subdivision of a particular parcel prior to 1979, that really doesn't affect how you apply the RC-4 --

MR. DOAK: That's correct.

CHAIR: -- calculator?

MR. DOAK: That's correct.

CHAIR: Right. So, it's all fresh as of 1979?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. Are you familiar with the, the plan to accompany Petition for Special Hearing in this case?

MR. DOAK: Yes, sir, I am.

MR. MCCANN: And are you familiar with the history of these parcels, 258 and 350?

MR. DOAK: Yes, sir, I am.

MR. MCCANN: Okay and did you calculate or determine the available density on each of those lots, did you do that?

MR. DOAK: I did.

MR. MCCANN: Okay. So, let's, let's talk first about parcel 350, which is the parcel that's colored in purple on the right hand side of the plan, or the eastern side of the plan. Tell us what, if anything, you concluded with respect to the density of that parcel. Take us through what you did and what you concluded.

MR. DOAK: Okay. The forty-eight acres which, may I please?

CHAIR: Yes, please.

MR. DOAK: It will help if I (inaudible) walk and talk kind of person.

BOARD: Just keep your voice up.

MR. DOAK: I will.

BOARD: Don't forget.

MR. DOAK: Is that good?

BOARD: Yeah, just to make sure because, you know, --

MR. DOAK: Okay.

BOARD: -- you can't hear --

MR. DOAK: So, we started out with the forty-eight acres which was this. It then --

MR. MCCANN: What, Mr. Doak?

MR. DOAK: I'm pointing, I'm outlining the purple, two small white areas also included in that, but it started out with the forty-eight acres.

MR. MCCANN: Identify this parcel, so there's two white parcels you mentioned.

MR. DOAK: This would be parcel, what did we call this? I (inaudible) 606 but.

VOICE: 606.

MR. SCHMIDT: Just, I would, I'd ask the witnesses not to shout out answers to Mr. Doak. I think he's capable of --

MR. DOAK: I do too, if it was there. Anyway, it's, it's labeled as (inaudible) 4.414 acre and then this one is parcel 598. And if I may, I believe we've always, we've been referring to this as 606. So, 606, the purple parcel and then parcel 598. That, in turn, --

MR. MCCANN: When was that forty-eight acres, maybe I'll ask that question?

MR. DOAK: When, when was the forty-eight acres?

MR. MCCANN: Yes.

MR. DOAK: It was conveyed to the Silcotts in '79. Now, the part that is confusing, as Mr. Wells said, that this came out and then it came back in at a later time and then was conveyed out again after the minor subdivision. So, this is a little confusing. The Deeds do not reflect exactly why and what happened there, okay?

CHAIR: You, you're referring to 606, you're referring to the triangle?

MR. DOAK: Yes, sir, yes, I am.

CHAIR: It's useful to not say, to point at something and say this.

MR. DOAK: This parcel.

CHAIR: Because then the record doesn't really help us.

MR. MCCANN: So, start with the forty-eight acres, that area and, and tell us what happens in terms of density --

MR. DOAK: Has nine, forty-eight times .2, --

CHAIR: Well, did, did Mr. Silcott take possession of this land prior to November 25th, 1979?

MR. DOAK: Yes, he did. So, the parcel I'm speaking of, forty-eight acres, times .2 ends up with nine density units. As of the 2002 minor subdivision, which I, has it --

CHAIR: Well, let, let, let, let's back up here. So, Mr. Silcott owned the forty-eight acres.

MR. DOAK: Yes, sir, he did.

CHAIR: Okay. As of November 25th, 1979?

MR. DOAK: Yes, sir.

CHAIR: Okay and that includes 606, the triangle in 598, which is the little --

MR. DOAK: That's correct.

CHAIR: -- trapezoid at the bottom, right?

MR. DOAK: Yes, that doesn't come out until 2000.

CHAIR: Well, as of 1979, as of January 1, 1980, it's all one parcel, is that your testimony?

MR. DOAK: Yes, sir.

CHAIR: Okay and you said there are a certain number of density units.

MR. DOAK: Yes, sir.

CHAIR: Okay and tell us how you come up with that number.

MR. DOAK: You multiply the, the acreage times .2 and then it ends up at nine density units. Okay?

CHAIR: Okay and the reason you multiply it by .2 is because that's in the zoning regulations --

MR. DOAK: That's, yes, sir.

CHAIR: -- under RC-4?

MR. DOAK: That's the multiplier in the, in the zoning regulations, okay?

MR. MCCANN: Thank you, Mr. Evans. (inaudible). I think the question essentially is what, what you are referring

next, I guess the 2000 subdivision.

MR. DOAK: Yes, sir.

MR. MCCANN: Okay.

MR. DOAK: Then in the year 2000, a minor subdivision was done. Has that been put into evidence, that minor subdivision plat?

MR. MCCANN: The plat has. I'm going to introduce the plan itself.

MR. DOAK: Okay.

MR. MCCANN: Let's do that now, if we may.

MR. DOAK: Okay.

MR. MCCANN: Larry, I think I left my copy at home, do you, back at the office, do you have a copy of that plan?

MR. SCHMIDT: I do.

MR. MCCANN: As opposed to the plat?

MR. SCHMIDT: Yeah, I got a copy of the plat here. Do you have a copy of the plan, Ken, or just the plat?

VOICE: Yes.

MR. MCCANN: I'd like to mark this if I could as Protestant's one.

MR. SCHMIDT: No, that's the plat.

MR. MCCANN: Thanks.

CHAIR: Sure.

MR. SCHMIDT: Mr. Wells, that's the plat.

MR. DOAK: That's what I'm after.

MR. MCCANN: We have the plan.

MR. DOAK: They had the plan, he wants the plat.

MR. MCCANN: (inaudible) it's the same thing. Which would you rather, what do you prefer using, Mr. Doak, the plan or the plat?

MR. DOAK: Wow, --

MR. MCCANN: We have the plat, the plan, they have the plat.

MR. SCHMIDT: The plat is in, I'm sorry, the plat is in evidence.

VOICE: (inaudible).

BOARD: This is the same as Petitioner's five, right?

MR. MCCANN: No, this is the plan. That's the plat. It's not the same.

BOARD: Looks exactly the same to me, but.

MR. SCHMIDT: Well, it substantively could be, I mean, the County approves a plan and then that plan is recorded and it becomes a plat.

BOARD: Okay. I got it. Oh, so it doesn't have the numbers at the bottom.

MR. MCCANN: Correct.

BOARD: Oh, I see, okay.

MR. SCHMIDT: Doesn't have the recording reference.

BOARD: Doesn't have the recording reference.

MR. DOAK: So, let's --

MR. SCHMIDT: He can just refer to that one, it's the same.

MR. MCCANN: Well, I'm going to keep it in evidence and he can refer to that, okay? Thanks.

MR. DOAK: If we make the assumption that the, what is, has been, what was, was approved is the same that, as was recorded, okay? Because at that time, that was, you had the opportunity to record these in a special plat book called the miscellaneous plat book and that's what some people did. So, under, this subdivision reflects its minor subdivision. It was done in the year 2000, approved in the year 2000. It has two lots on it shown. Lot one being 5.19 acres, no house on it at that time. It shows the remainder of it being lot two, 43.60 acres with an existing house. It also shows a tenant house at that time, labeled tenant house. It, it had not, as of this time, been approved as a tenant house and it also shows being--

MR. MCCANN: Mr. Doak, I'm, I'm sorry to interrupt. We have to slow down a bit. You were doing a lot of pointing. I want, I really want to orient everybody what, to what you're pointing at, hold on. And first of all, let's orient the Board so they can compare the plat, (inaudible) ask you to do that. Compare the plat to the plan to accompany the Petition --

MR. DOAK: Yes.

MR. MCCANN: -- for Special Hearing. So, do that first, if you would. In other words, use what I think is

Petitioner's Exhibit 5, the plat, and show the Board where on Petitioner's Exhibit 1 we're talking about. Okay.

MR. DOAK: If I may, I will outline this at the, roughly at the same time as I'm doing this, so it comes up, Deer Park, it comes up to the northwest corner of 606, down 606 and then on through the, the purple part and then comes down, as I am, includes this to here, down to Oakland Road, down Oakland Road and then back up here and then around parcel 340, okay?

CHAIR: So, that's the, what was submitted as the area to be subdivided?

MR. DOAK: That's correct.

MR. MCCANN: Okay. So, just to be crystal clear, because the record, I don't think, is going to reflect it. Is the plat, which was approved in 2000, as you said, included parcel 598, and I'm referring now to Petitioner's Exhibit 1, correct?

MR. DOAK: Yes.

MR. MCCANN: It included parcel 350 of Petitioner's Exhibit 1, correct?

MR. DOAK: Yes, sir, it did.

MR. MCCANN: It also included what we've been calling parcel 606 on the Petitioner's Exhibit 1, correct?

MR. DOAK: That's correct.

MR. MCCANN: And although it does not say on Exhibit

1 parcel 606, it's actually referred to as four, 4.414 acre triangular shaped parcel, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. Okay and you were, you were starting to talk about lots on the plat.

MR. DOAK: Yes.

MR. MCCANN: Show us as specifically as you can and descriptively as you can where those lots are and point to the boundaries and describe the boundaries, if you will.

MR. DOAK: So, on the, on the plat, I am outlining lot one as well as I am outlining lot one that is shown on Petitioner's, where am I, --

MR. MCCANN: One.

MR. DOAK: One, Petitioner's one.

CHAIR: So, lot one is 598, right?

MR. MCCANN: Correct.

MR. DOAK: 598, yes, sir.

CHAIR: Okay.

MR. DOAK: Which is lot one. I'm outlining lot two, as shown on the plat and also Petitioner's exhibit number one. It includes that and all of the, down to here, down and back up.

CHAIR: Okay.

BOARD: We need that again.

CHAIR: So, well, so lot two, lot two is, is 350 plus

606, is that right?

MR. DOAK: Yes, sir.

CHAIR: Okay.

MR. MCCANN: Yes, that's the best way to describe it. Correct, Mr. Doak?

MR. DOAK: That is, yes.

BOARD: So, there's only two lots?

MR. DOAK: Two lots.

BOARD: Okay.

MR. MCCANN: Okay and describe if you would, and it's reflected in the plat itself, but describe from Exhibit 6, Petitioner's Exhibit 5 rather, I'm sorry, what are on each of those lots, please.

MR. DOAK: Lot one, 5.19, at that time, had no dwelling. It showed it as proposed house. Lot two, which was 43.60 acres, it showed an existing house, another framed building here. Where I'm pointing is on, about half way in the middle of lot two and then showed a, a frame, one story house that they have labeled as a tenant house. And then the area that has been commonly referred to on Petitioner's one as 606, it had nothing in that area at that time.

MR. MCCANN: And 606 --

MR. DOAK: It was not approved.

MR. MCCANN: Petitioner's one was included in the plat, correct?

MR. DOAK: Correct.

MR. MCCANN: Okay.

BOARD: Three, three buildings then? Three structures on 350?

MR. DOAK: Yes, ma'am.

BOARD: Is that right?

MR. DOAK: It's three structures on 350.

BOARD: Okay.

MR. DOAK: Yes, ma'am.

MR. MCCANN: And any idea, just for curiosity's sake, the, the label on Petitioner's Exhibit 5, where it says tenant house, about, I guess, half way up parcel 350, seems to, seems to be separated out, for lack of a better term, by meets and bounds description with a, sort of a dog leg to the, to the eastern portion of the, of the site. What exact, why is that?

MR. DOAK: I don't --

MR. MCCANN: You don't know?

MR. DOAK: I can't tell you why there is an area outlined around that. I can't tell you.

MR. MCCANN: Okay. Okay. So, two lots though, correct?

MR. DOAK: Two, two lots.

MR. MCCANN: All right.

BOARD: Did you find the meets and bounds description of the tenant house in a Deed?

MR. DOAK: No, ma'am.

BOARD: Okay.

MR. DOAK: Separately, no, ma'am.

BOARD: Okay.

MR. DOAK: No, ma'am.

BOARD: Separately, meaning in its own Deed or separate, you saw it somewhere?

MR. DOAK: No, separately with its own Deed.

BOARD: With its own Deed but you found it somewhere else?

MR. DOAK: No, I never --

BOARD: Nowhere?

MR. DOAK: -- found anything at all --

BOARD: Just on there.

MR. DOAK: -- addressing the tenant house in the Land Records.

BOARD: Okay.

MR. MCCANN: Okay. So, getting back to density, Mr. Doak, the question is, given the, the, the nine density units that you said that existed in 1979, what, if any, effect did this subdivision in 2000 have on the available density?

MR. SCHMIDT: Objection. It's a legal conclusion.

CHAIR: Well, we'll, we'll, let's hear the answer and if it's not appropriate, we'll discount it.

MR. DOAK: Okay. As I said in my earlier testimony,

as a surveyor and a land consultant, same as Mr. Wells, if, if an individual comes to him or myself and they ask, well, how they can develop their property, what extent, we do not, we do not call an attorney and ask them for an opinion of the RC-4 regulations. Mr. Wells and I will look in the zoning regulations to make sure we know it the way we always have and we will apply it to the property the best way in our professional opinion. Okay? That's the same as I'm doing here. And in turn, we had nine density units, the same as it says, as stated on this plan. When creating a lot, a density unit is applied to the proposed dwelling that would be here so you would have one density unit utilized for lot one. You would have the same on the existing house on lot two and it is my opinion, based on my experience, having gained approval for many, many tenant houses that if you at the time of the minor subdivision, if you did not have it approved ultimately through the Office of Zoning, as a tenant house, and going through the process it takes to do that, a density right would be utilized there.

MR. SCHMIDT: Objection. I'm sorry, Mr. Doak, I don't know if you're done.

MR. DOAK: Sorry, no, no.

MR. SCHMIDT: Objection. It just --

CHAIR: Basis, I'm sorry?

MR. SCHMIDT: Well, it's a legal conclusion and it

gets into the question of whether the tenant house legally existed and, and going back, I said at the very beginning of this, Mr. Evans, two things. First of all, this isn't a violation hearing case. Secondly, we don't know whether any of these improvements, I'm not, I'm not here to establish whether any of these improvements are proper or improper or not. The subsequent buyer of this property may raze every building and start over with a brand new subdivision plan. So, Mr. Doak, in one hand is saying he doesn't see any creation on this plat of, of three lots, but then he's implying that there are three lots and I just think that, I mean, that's not what the issue is as it relates to the existing improvements. I don't know if I'm making myself clear.

CHAIR: Well, I, I'm not sure I'm clear either on what he's saying. But, he, the basis for what he's saying is that he provides this kind of information to clients on a routine basis. So, I take it that what he's saying here is that if he were asked by a client what the density, how many density unit, units have been utilized to date or at least at that point in time, he (inaudible) three, because there's lot one, there's lot two and then there's this thing that is labeled a tenant house.

MR. SCHMIDT: Well, I guess that's what he's saying, although I, I don't know whether he's say, I mean, that's clearly not what the plan shows. The plan shows that there are

two lots.

CHAIR: The plan shows two lots with a tenant house.

MR. SCHMIDT: Yes. And I, I don't know that there's any foundation that there's not a tenant house, that this is not a tenant house.

CHAIR: Well, at this point, the only thing that suggests it's a tenant house is the, the plat, right?

MR. SCHMIDT: Yes. So, okay, okay. Well, I can cover it on cross examination then.

CHAIR: Sure. I, I'm not sure I'm responding to your concern and I, and I want to make sure we do. But, because actually, I think, I mean, you have, I, I defer to your greater knowledge, actually, in all, in all of these areas.

MR. SCHMIDT: That's dangerous, Mr. Evans. I appreciate the compliment, but that's dangerous.

VOICE: I'll second that.

CHAIR: Basically, what, what I'm, what I'm hoping to accomplish in, in my own meager way here is to have a full and complete record so that at the end of the day, we can all kind of parse through it and figure out what's what and so, that's, that sort of informs why I seem to be permitting witnesses to, to respond to these questions.

MR. SCHMIDT: And this is an administrative proceeding, I understand that.

CHAIR: It is an administrative proceeding.

MR. SCHMIDT: Sure.

CHAIR: So, so, again, if you have specific, if you object to specific questions, please object.

MR. SCHMIDT: Okay.

CHAIR: Okay? But on the other hand, let's proceed.

MR. SCHMIDT: Okay. Thank you, sir.

CHAIR: Okay.

MR. DOAK: So, --

MR. MCCANN: Okay.

MR. DOAK: -- let me, let me say that Mr., let me say that you are correct that it does show three, or two lots, that's it. But if this tenant house was not approved at that time, then it would utilize a density right, okay?

CHAIR: Okay. In your opinion.

MR. DOAK: And then so in turn, should have been, it's my opinion it should have been a three lot minor subdivision at that time.

MR. MCCANN: Mr. Doak, let me stop you there, I don't want to break up your chain of thought, but to your knowledge--

MR. DOAK: It's so broken already, (inaudible).

MR. MCCANN: It has been broken, --

CHAIR: Well, then Mr. Schmidt has (inaudible).

MR. MCCANN: It went a lot smoother in my office.

MR. DOAK: I'm going to go sit down beside of him pretty soon.

MR. MCCANN: The, to your knowledge, has the tenant house ever been accepted through the, the process that Baltimore County has?

MR. DOAK: I don't know that it has. I don't know.

MR. MCCANN: To, to your knowledge, it has not?

MR. DOAK: It has not.

MR. MCCANN: Okay and describe briefly what is that process?

MR. DOAK: Okay. Usually, Mr. Evans has a farm and he has an extra house out there and he's always considered that a tenant house or his, he bought it with the realtor thinking it, telling him it was. I go to Mr. Evans and I say, Mr. Evans, tell me what this property is, is, how it's used. And if he explains, well, you know, it, it really, and what his definition is isn't really agricultural, I'm going to tell him that the likelihood of that is not great in that a tenant house is for the utilization and that, and to maintain a, the agricultural use of a farm. It's, it's so, somebody is on the property twenty-four/seven to, to make it possible for that agricultural business to continue, okay?

CHAIR: Right.

MR. DOAK: So, then at that point, if Mr. Evans convinces me, then in turn, I take my case and Mr. Evans to the AG Board, Baltimore County Agricultural Advisory Board and they meet once a month and up at the, the AG Center and we make our

case to all the, the people on that Board, okay? And then, if we are successful in making that --

CHAIR: Keep your voice up, because we've got this --

MR. DOAK: Oh, I'm sorry. If we're successful in making that case, then in turn, the AG Board will make a recommendation via through Wally Lippincott and his office to the Office of Zoning. The Office of Zoning then will review what the recommendation is and then I fill out a form and that form and that is signed off on and it is approved by the Office of Zoning as a tenant house. It's a two to four month process and it can easily be kicked back to the AG Board for a reason or something like that, okay? So, that's --

CHAIR: Can, can zoning refuse to accept it as a tenant house?

MR. DOAK: Yes, they can.

CHAIR: And would that end the process then?

MR. DOAK: It would. Now, does, has it ever happened to me? No, sir. I have heard it, though but, you know, it would be a unique situation when (inaudible) kicked back.

MR. MCCANN: Okay. You've been through that process numerous times?

MR. DOAK: I have.

MR. MCCANN: And it's also your testimony when that process is not initiated, yet someone either on a subdivision plat or, or on the property itself maintains a tenant house,

for purposes of density, you consider the tenant, a tenant house?

MR. DOAK: That's correct.

MR. MCCANN: Okay. So, take us back, back to your question, back to the nine dwelling units where we started in 1979, the question again was, how many density units, if at all, result from this 2000, or left as a result of this 2000 subdivision?

MR. DOAK: Once again, on the assumption that this was not approved, we started with nine, we, minus lot one, there's eight, minus lot two, or one, there's, there's seven, minus the tenant house, we're left with six at this, as of 2002 in its minor subdivision.

MR. MCCANN: Let me ask you to, to take that and consider, if you would, the fact that parcel 606 on Petitioner's Exhibit 1 is part of the area in the subdivision that was --

CHAIR: Keep your voice up too, please.

MR. MCCANN: Yeah. Consider the effect of parcel 606 having been included in the 2000 subdivision.

MR. DOAK: Once again, RC-4 is a zone that the density is calculated by a multiplier and the gross area. So, the nine density units were calculated based on including the area from the, the four acres.

MR. MCCANN: Okay. So, getting back to the numbers

though, we, we're, I'm trying to, and I'm writing them down as you go, we're down to six.

MR. DOAK: Down to six.

MR. MCCANN: Density units if we include the tenant house. What effect, if any, does parcel six, 606 have on that number?

MR. DOAK: Okay. Now, let's jump forward four years. Parcel four, parcel 606 was conveyed out in 2004 and it was done without going through any subdivision process of Baltimore County. So, in turn, it, it was not counted as any kind of density at that time. So, if that, if --

CHAIR: It was split off when, in two thousand --

MR. DOAK: Four, 2004. That's when it was conveyed and a house was built after that.

BOARD: What did you say after that? Density --

MR. DOAK: And a house was built after that.

BOARD: Yeah, a house was built, but what did you say about density, did you say something else?

MR. DOAK: Then that, then once again, would result in the loss of one additional density.

BOARD: So, now we're down to five, is that what you're test --

MR. DOAK: Down to five.

BOARD: Okay.

MR. MCCANN: Okay and that, that conveyance of parcel

606 in 2004, that date being reflected on Petitioner's Exhibit 1, was that an, an illegal subdivision?

MR. SCHMIDT: Objection. It's a legal opinion.

CHAIR: Well, how, how, if at all, did that subdivision, did that, did the splitting off of 606, how if at all, did it comport with the typical Baltimore County subdivision process?

MR. DOAK: It, it was done by meets and bounds Deed, a survey and description and then just recorded.

CHAIR: Was it included as part of a formal subdivision?

MR. DOAK: It was not.

MR. MCCANN: Should it have been?

MR. DOAK: It is confusing about how it first started and then got annexed back into the forty-eight. But, yes, it should have been, only because if nothing else, if nothing else, it was shown here on this minor subdivision and in turn, the policy of Baltimore County is if something is shown on a minor subdivision as such, and then it's conveyed, a portion of that minor subdivision is conveyed out, then there should have been an amendment to this minor subdivision for that to happen. And in turn, if it would have been an amendment to that minor subdivision, then in turn, they would have counted that as the third lot, okay? And at that time, they would not have been able to create a separate lot around the tenant house in the

future, because that would have been a major subdivision.

MR. MCCANN: Let me ask the question this way, Mr. Doak. As of 2004, the parcel 606 was, was conveyed, did all the density rights in that, were all the density rights in the subdivision approved in 2000 utilized or taken up?

MR. DOAK: No, sir. No.

MR. MCCANN: Explain, so explain how we get from five, which you've said was the density allow, considering parcel six, where do we go from there?

MR. DOAK: Okay. So, fast forward to January 1, 2012. The, the septic law, that's the dumbed down version of what it's called, the septic law came into act and in turn, it was, it's roughly stated that in tier four, which we've said we are --

MR. SCHMIDT: Mr. Evans, I am going to object to this. Mr. Doak, the State tier septic law is not a zoning law of Baltimore County. The witness has not been offered as an expert of the State law. Obviously, it's going to be a point of argument, but this witness has not been arg, has not been offered to render opinions about that at this point in time. At least I didn't hear it as part of the proffer.

MR. MCCANN: I can ask a couple questions. I don't think there's any dispute that you're qualified to talk about it, but I can ask him some questions if that would help, Mr. Evans.

CHAIR: Sure.

MR. MCCANN: Mr. Doak, you were obviously doing what you do in 2012 when the septic's law was passed, correct?

MR. DOAK: Yes, sir. And I was involved in the committees and everything that was trying to determine how it would be applied in Baltimore County.

MR. MCCANN: That's, that was my question.

MR. DOAK: Yes, sir.

MR. MCCANN: Describe, describe that activity that you did on behalf of Baltimore County.

MR. DOAK: Well, I wasn't on behalf of Baltimore County. Baltimore County put together committees, groups of professionals that did a lot of subdivision work in, in the County and they asked for our input, they asked us to sit in on these meetings. Mr. Moxley and I spent way too much time back and forth on these, and these committees when dealing with this. So, yes, and then subsequent to that, every subdivision that I do and most of them are in northern Baltimore County. I have, I have to consider the tier it's in, the property, what tier it's in and in turn, what my requirements or my restrictions are based on that, those laws.

MR. MCCANN: Okay. So, do you regularly and often apply the tier four law to determine available density in a subdivision?

MR. DOAK: No, sir. That's not what I do with it.

MR. MCCANN: Okay.

MR. DOAK: What I, it is my inter, my professional opinion that it, the, the law is a --

CHAIR: The septic's law.

MR. DOAK: The septic's law, I'm sorry. Is, mandates the process that a subdivision must go through so in turn, in tier four, it mandates that a property cannot be subdivided in a, through the major subdivision process and can only be done in a minor subdivision process.

MR. MCCANN: Okay. Yeah, I skipped a step there. So, you apply --

CHAIR: And, and just, just so we're clear about what tier four is. That refers to land which is on well and septic?

MR. DOAK: Solely --

CHAIR: Solely on well and septic.

MR. DOAK: -- on well and septic, yes, sir.

CHAIR: So, that would apply to this, the parcels under consideration here?

MR. DOAK: Yes, sir.

CHAIR: These are on well and septic?

MR. DOAK: Yes, sir. And it's most of, most of northern Baltimore County. Where you say northern Baltimore County, you know, let's say for argument's sake, it's pretty much, you know, Seminary above, or you know, it's, it's hard to say exactly but that's just a general description of where it

would be, so.

MR. MCCANN: Okay. So, I think I skipped a step in the process. You regularly and often, do you regularly and often apply tier four law to determine the process that applies in Baltimore County?

MR. DOAK: Yes, sir, I do.

MR. MCCANN: And then, and, and you then can determine, knowing the process, the available density for a particular --

MR. DOAK: No, they're really --

MR. MCCANN: I --

MR. DOAK: Not to be arguing with my own attorney but no, that's sort of, there, it's, you look at both, so you look at the density and you come up with the, the total density.

CHAIR: Under the zoning (inaudible).

MR. DOAK: Under zoning and then in turn, under the tier, under the septic law, you look at what process you could utilize those density and, right, yes, sir.

MR. MCCANN: Correct. That's what you're doing here.

MR. DOAK: Yes, sir.

MR. MCCANN: You're, you're about to tell us what effect tier four has on --

MR. DOAK: Right.

MR. MCCANN: Okay. So, why don't you do that, please?

MR. DOAK: So, in conclusion, I believe, if the tenant house was not approved as a tenant house, we're left with five density rights, because it has to go through the minor subdivision process, that, that in turn, you would have, of course, lot one, the five acres, lot two, the 43 acres, but I also believe that because this was done without going through a process, that Baltimore County would require you to show that as the third lot in an amended minor subdivision because it was a part of the first minor subdivision.

MR. MCCANN: You're referring to parcel --

CHAIR: You're talking about 606?

MR. DOAK: 606, yes, sir. And in turn, because of the septic law and not being able to do a fourth lot and because it would be a major subdivision, the tenant house could not be a stand-alone lot.

MR. MCCANN: Okay. So, how many --

MR. DOAK: Five density units can utilize three of the five density rights.

MR. MCCANN: And how many --

CHAIR: Whether it's five, six, eight or nine, it can only be three?

MR. DOAK: I can only do three.

CHAIR: Because of the septic's law?

MR. DOAK: Yes, sir.

CHAIR: Okay.

MR. MCCANN: And how many of those units are utilized, those three density units?

MR. DOAK: All, all three already.

MR. MCCANN: So, zero --

MR. DOAK: There's a house on each one of the parcels right now.

MR. MCCANN: So, speaking to parcel 350 in particular, which is the subject of the Petition because it's highlighted, there are no density units available now, given the application of the septic's law?

MR. SCHMIDT: Objection. Please don't testify, Mr. McCann. Ask the witness, lead, I mean, he's leading the witness all over the place.

MR. MCCANN: Mr. Schmidt's entire direct examination was that, but I'll, I'll rephrase the question.

MR. SCHMIDT: You should have objected.

MR. MCCANN: I try not to.

CHAIR: Okay. Let's, let's not quarrel here.

MR. MCCANN: Okay. Given what you've told us, Mr. Doak, this morning, how many density units are --

MR. DOAK: I believe there are five density rights remaining.

MR. MCCANN: Okay.

MR. DOAK: And I believe that a minor subdivision would need to be done and out of that minor sub, all three of

them are already counted in the density and already have a house on them.

MR. MCCANN: So, zero is the answer to my question?

MR. DOAK: Zero, that's correct.

BOARD: And just for clarification, when you say there are already three divisions, you're, you're not using it, was it 606, you're not counting it, you're counting the tenant house as one, right?

MR. DOAK: No, I would, I would be counting 606 because it's my, it's my opinion that if, if we came back in for a minor, amended minor subdivision, that the County would make us show 606 as that third lot and in turn, there's already a house on it, so that density right is used.

BOARD: So, the three parcels would be 606, the, the 598 modified version and the trapezoid on the bottom, right?

MR. DOAK: No, it would be, if I may, it would be --

BOARD: I may have the wrong ones, yeah.

MR. DOAK: -- 606, the remainder of this, remainder of lot two.

BOARD: (inaudible).

CHAIR: Which is 350.

BOARD: Yeah, that's what I screwed up on.

MR. DOAK: It's 350.

MR. MCCANN: Right.

MR. DOAK: And then it would be lot one, the 5.19.

BOARD: Now, let's assume that there wasn't a mistake on 606.

MR. DOAK: Yes, sir.

BOARD: Could the parcel, could the pink in the bottom one be subdivided more?

MR. DOAK: That's a very good question. So, if, let's run that scenario. Let's say that I am mistaken about 606, okay? That it was taken out and it was a lot of record back and forth and it didn't have the, it, it was shown mistakenly here, okay? It was shown mistakenly here then, in turn, if this has not been approved as such then that would be your third lot.

MR. MCCANN: The tenant house.

BOARD: The tenant house.

MR. DOAK: I'm sorry, the tenant house would be your third lot.

BOARD: So, that would be the third, so, so there's two, from your testimony, there's two ways in which they're sort of bumping up to this lead parcel --

MR. DOAK: And either way of that, there's zero density rights left on this property.

BOARD: Well, that's the part where you lose me.

MR. DOAK: Okay.

BOARD: Right? Because I'm, I'm just going --

MR. DOAK: Because of the septic law. The, I'm

sorry.

BOARD: Yeah, yeah. So, first I was just going with the, the subdivision. So, 606, the pink and then the bottom piece, that would be three. If, if we said that hey, let's disregard 606, then, then we're now going to say that it's the pink, the bot, the bottom one and then the tenant house, right?

MR. DOAK: Correct.

BOARD: Tenant house. That would be the three par, that would be the three parcels?

MR. DOAK: That'd be the, the fullest extent you could utilize a minor subdivision for this property.

BOARD: And each parcel has a house on it?

MR. DOAK: Yes, sir, it does.

BOARD: All right. But irregardless of what your density calculations are, right?

MR. DOAK: Yes.

BOARD: Now, let's say that, that the tenant house was properly done back forty years ago, you still would be able to subdivide the pink, right?

BOARD: Purple.

MR. DOAK: We're going to go, yes, sir, depending on the utilization, if we're talking in a broad brush here, if you look at just this --

BOARD: Just trying to get it down (inaudible).

MR. DOAK: Yes.

BOARD: Yeah.

MR. DOAK: If the, if, I don't know what is being done with the other improvements on the property, so maybe no.

CHAIR: Well, if, if the property, if 350 is being used for agriculture and that structure is being used as a tenant house, how would effect, how would it, how would it influence the number of remaining density rights under the septic's law?

MR. DOAK: Okay. So, if this --

CHAIR: When you say this, you mean the tenant house?

MR. DOAK: When, when the tenant house, if the tenant house is ultimately approved, okay? It would utilize a density, okay?

CHAIR: Okay.

MR. DOAK: If 606, I am incorrect about 606.

CHAIR: Okay.

MR. DOAK: And like Mr. Wells, it shouldn't have been a part of this.

CHAIR: Okay.

MR. DOAK: Of the, the minor subdivision plat.

CHAIR: Okay.

MR. DOAK: Then you are left with one available density right to utilize as a lot, under the, under the minor subdivision process, through a minor subdivision process and under, within the septic tier four regulations.

CHAIR: When, when the subdivision, subdivision was done in 2002, right?

MR. DOAK: Two thousand.

CHAIR: Two, 2000, okay. Was there a set aside for conservancy in that?

MR. DOAK: Okay. So, that's, that's a good question. It was, it was set aside, it was stated that the conservancy on this property was 34.19 acres, okay? The policy has been that until you reach maximum utilization of the density on an RC-4, they do not record the conservancy. So, on a minor subdivision such as this, or ones I've done many times that I'm doing two out of the three lots, let's say or, you know, then in turn, we'll have to determine where the County approves the conservancy which is steep slopes, you know, wetlands as buffers, all the protected areas if, if possible, where that would be and then until we come back and fin, finish utilizing the third density with a, only then would they record it.

CHAIR: So, the answer is, no conservancy was recorded.

MR. DOAK: Shown but not recorded.

CHAIR: Not recorded and it gets recorded when the County believes all of the density units have been utilized?

MR. DOAK: That's correct.

CHAIR: So, that means, I take it, that the County believed that the, all the density units had not been utilized?

MR. DOAK: That's correct.

MR. MCCANN: In 2000.

CHAIR: In 2004, 2, --

MR. MCCANN: Two thousand.

CHAIR: Two thousand, 2000, yes.

MR. DOAK: Because it even says that in here, on the density calculations, it even states that. So, so --

MR. MCCANN: Bottom line, Mr. Doak, the conservancy is shown on Petitioner's Exhibit 5, correct?

MR. DOAK: Yes.

MR. MCCANN: And also shown on Exhibit, Exhibit 5, are there septic's, septic areas and wells shown on the plat as well?

MR. DOAK: Septic's and wells? Yes.

MR. MCCANN: Okay. How many?

MR. DOAK: Well, there's, there is a, there is a, for lot one, there is the septic reserve area, which is the area approved and set aside for lot one and there is a proposed well area, that the point which set aside for a well.

MR. MCCANN: Okay.

MR. DOAK: On lot one here, I'm sorry, on lot two here, the forty-three, there is the septic's shown here on the thing and existing wells shown on it.

CHAIR: And how many?

MR. DOAK: Oh, I, I don't know.

CHAIR: Well, --

MR. MCCANN: That's what I'm asking.

CHAIR: -- does, does the tenant house have, have well and septic associated with it?

MR. DOAK: It does.

CHAIR: It does?

MR. DOAK: It does.

CHAIR: Okay.

MR. MCCANN: So, three wells and septic's on the plat, right, Mr. Doak?

MR. DOAK: I believe so, yes, that's all I can see is three wells and --

MR. MCCANN: One on lot one, one on lot two and one on the tenant house?

MR. DOAK: It's either a septic or an area to be a septic, okay?

MR. MCCANN: Right. Either a septic or a septic reserve area.

MR. DOAK: That's correct.

MR. MCCANN: On lot one, lot two and the tenant house?

MR. DOAK: That's correct.

MR. MCCANN: Okay. You, I, I assume you did this hypothetically speaking but you, you touched upon Mr. Wells' testimony that somehow parcel 606 was mistakenly included on

subdivision, I'm not sure what that means. But do you agree, given what was filed in Baltimore County in 2002 and recorded in the Land Records, that the area that is now parcel 606, it should be included when determining density, given what was filed? Do you follow me?

MR. DOAK: I do. If, if I was coming on to this now, I was working for the current owners, and they wanted, they believed that they had an extra density right for lot two, then in turn, I would have to make the case to Baltimore County, or Mr. Wells or somebody would, would have to make the case that lot, that parcel 606 shouldn't have been on this to begin with. Okay?

CHAIR: Shouldn't have been on the, shouldn't have been on the, the subdivision plan?

MR. DOAK: The minor subdivision plat.

CHAIR: Right.

MR. DOAK: Yes. Should not have been on there to begin with.

CHAIR: Right.

MR. DOAK: And that it was done in error.

CHAIR: Right. If I can't make that case well enough, then they're going to decide that if it was shown on here and I want to further do, I want to further subdivide lot two, then I should be addressing what has happened and the use of the density for 606. And it has a house on it now so, in

turn, it would utilize a density and would be a lot.

MR. MCCANN: I guess what I'm trying to determine is how hypothetical is this alleged, this allegation that it was mistakenly included? Have you ever been successful in convincing the County that you mistakenly included some acreage in a subdivision plat and were allowed to get around using that acreage for purposes of determining density?

MR. SCHMIDT: Objection.

CHAIR: That one is sustained.

VOICE: Thank you.

MR. MCCANN: Because of the form of the question?

CHAIR: No, because --

BOARD: You asked him if he ever, he ever did it --

CHAIR: It, it doesn't matter if, if, I mean, maybe he's never done it and Mr. Wells has or Mr. Jones or Ms. Smith or someone. I mean, his own personal experience isn't probative of --

MR. MCCANN: Okay. Well, let me ask it this way then, Mr. Evans, if I can. In your experience, Mr. Doak, is it consistent with Baltimore County practice, process, law to allow a piece of a subdivision to not be included for density purposes because the Petitioner, property owner, alleged that it was included mistakenly?

MR. SCHMIDT: Objection. Same, same --

MR. MCCANN: Let me ask it this way, I'm sorry. Do

you know of any law or policy or procedure in Baltimore County that would allow such a thing?

MR. SCHMIDT: Objection.

CHAIR: I, I think we have to sustain it.

MR. SCHMIDT: Yeah.

CHAIR: For the same, same reason.

MR. SCHMIDT: Sure.

MR. MCCANN: He's talked about lots of standards and procedures and policies already. I'm just asking if he, is there such a one that would, that would allow, I mean, anybody can allege anything, --

CHAIR: I mean, but what if, what if some hapless land owner (inaudible) surveyor made a mistake and included an inappropriate lot, maybe the County would accept that.

MR. MCCANN: Well, that's what I'm asking him. In his experience, is that at all likelihood, I mean, is that just a, is that fictitious? Is that just an argument that Mr. Wells is pulling out of thin air or is there some basis for, for doing that? Has he ever seen it or is there any basis in, in, in the policy and procedure of Baltimore County for such an argument? Both of those questions, I think, has he ever seen it and is it --

CHAIR: We're going to sustain the objection, okay? We're, we'll sustain that objection.

VOICE: Okay.

CHAIR: I mean, maybe the, well, we're sustaining it.

MR. MCCANN: So, we won't see anything in the memos about that, some process, there's, there was some argument that it was mistaken or --

CHAIR: Well, we can talk about the process.

MR. MCCANN: Yeah. I'll move on.

CHAIR: Yeah, it's, it's just hard for me to conceive a, of a situation in which the authorities would never acknowledge the possibility of a mistake. I mean, we make mistakes.

MR. MCCANN: Well, I think if that's an assumption we're going to make, and it's an evidentiary assumption, that is that all Mr. Wells has to do is go into the County and say we made a mistake, and they'll allow them to amend the plan.

CHAIR: No, no, no, no, no, I'm not saying that. I, I, what I'm, what I imagine would be the process is Mr. Wells would say that he made a mistake, or that the prior surveyor made a mistake, and then the County, the appropriate County official, would have to look at all the circumstances and determine, you know, whether that's a, whether to accept that assertion. You don't just accept Mr. Wells' assertion or Mr. Schmidt's or Mr. McCann's assertion.

MR. MCCANN: All right. Beyond whether it's factual or not, I think there's a question of whether the law and policy in Baltimore County would even allow such an argument,

as a matter of law, and that's the question I was trying to pose to Mr. Doak is --

CHAIR: Well, that, that I think, that, that question --

MR. MCCANN: All right. Mr. Doak, let's talk about the other parcel finally. That is, parcel 258.

MR. DOAK: Okay.

MR. MCCANN: Did you form a similar analysis for that parcel?

MR. DOAK: Yes, sir, I did.

MR. MCCANN: Tell us what you did and what you concluded.

MR. DOAK: As of 1980, it was sixty-seven acres. The, the R, the, the teal property was incorporated in a sixty-seven acre parcel of ground, thirteen density rights. In '82, it was sold to Mr. Silcott as forty-two acres and had no, it had eight density rights.

CHAIR: It was sold as how many acres?

MR. DOAK: Forty-two point oh six.

MR. MCCANN: Where are those forty-two acres on, on the plat?

MR. DOAK: It is, I'm outlining it right now. It is the teal and it is also five five, parcel 559.

MR. MCCANN: So, parcels 258 and 559?

MR. DOAK: That's correct. That was --

CHAIR: What, what, what happened to the other twenty-five acres?

MR. DOAK: It's, it's up here.

CHAIR: Okay.

MR. DOAK: But I'm not, I'm not getting into that. That was --

CHAIR: Okay.

MR. DOAK: In the first place, it wasn't done through any subdivision process and neither was the division to create the forty-two acres.

CHAIR: Okay.

MR. DOAK: Okay? So, so, like I said, as nineteen, as of 1982, Mr. Silcott was sold 42.06 acres, eight density rights. And then in 1993, Mr. Silcott sold the 11.465, which is parcel 559, okay? That also I did not find where it went through any subdivision process and that would have incorporated, that would have been two density rights that would have gone along with that as well. So, --

MR. MCCANN: We're down to six.

MR. DOAK: -- we're down to six, yes, sir. So, start out with eight, we're down to six. As of 1992, the, the RC-4 regulations changed slightly that allowed clustering and, in turn, the, the requirements for the seventy percent conservancy area and thirty percent buildable area, as of 1992. So, once again, this was sold in '93. So, without a subdivision

process, so if it would have gone to a subdivision process like it would have been required, that would have triggered, it would have been through a minor subdivision process and it would have triggered conservancy to be set aside for that. Now, --

MR. MCCANN: You're talking about parcel 55?

MR. DOAK: Pardon?

MR. MCCANN: You're talking about the parcel 559 now, right?

MR. DOAK: Yes, I am.

MR. MCCANN: Okay.

MR. DOAK: So, as with the other sub, minor subdivision we've been referring to, they would have determined where the conservancy area would have been, but it, but it wouldn't have been recorded. But it would have also been, the requirement for conservancy on that would have been 29.44 acres, okay? So, seventy percent of the forty-two would have been twenty-nine acres, okay? So, the, the, the, the unique part is, this has already been conveyed out, okay? But to further subdivide this, you would have had to show that as part of the minor subdivision --

BOARD: This and that, this and that.

MR. DOAK: Sorry. As, as per the subdivision of lot 258, you would have to show parcel 559 as having come out, been conveyed off, and not through a subdivision process and two

unit, densities being utilized, I mean, set aside for this, eleven times .2

MR. MCCANN: And that was not done? That subdivision did not take place?

MR. DOAK: It did not.

MR. MCCANN: And it should have?

MR. DOAK: It should have.

MR. MCCANN: Okay.

MR. DOAK: And the remaining density rights here being six, okay?

MR. MCCANN: Two fifty-eight, well, across both lots, you say --

MR. DOAK: Would have been, there would have been, you're creating a lot here and a remainder lot of the thirty acres. So, it would have been lot one, 559, lot two, 258, okay?

CHAIR: But wouldn't, you're, you're saying there would be additional density units on 559?

MR. DOAK: Well, it's all based on area. So, you have six, you sold off eleven, you convey off eleven --

MR. MCCANN: Eleven acres.

MR. DOAK: Eleven acres, that comes with two density rights. It, it, it can or cannot. If you call it a lot, you can stipulate, you can make the assertion that it only goes with one because it's a lot, okay? You can make that. But

that's where, that's where it gets really fuzzy as to where density, densities float around. Let me, let me start there. And I'm sorry, densities float around so there's, there's six on this --

CHAIR: Six on, on 258.

MR. DOAK: There, I'm sorry, there's six, there's eight on all this, there's eight on all this.

MR. MCCANN: 258 and 559.

MR. DOAK: Yes. There's eight on this. If you subdivide this off and call that lot one, you can make the stipulation and that would be parcel 559, you could make the stipulation that it only goes with one density right, because one house will be built on.

MR. MCCANN: And that was not done here?

MR. DOAK: It was not done. Or, you can be the, you can also make the case that when you create a lot of that size, it goes with two density rights, which would be calculated eleven times .2, okay?

MR. MCCANN: Okay and that's the case you're making?

MR. DOAK: That's the case I'm making.

MR. MCCANN: Okay.

MR. DOAK: Okay?

CHAIR: Well, I, I'm going to say, horribly confused now. If, if, if 258 combined with 559 has eight density units.

MR. DOAK: Yes, sir.

CHAIR: And you do a minor subdivision by which you remove 559.

MR. DOAK: Yes, sir.

CHAIR: Which is eleven acres.

MR. DOAK: Yes, sir.

CHAIR: You're still, aren't you still stuck with the density calculation, it, don't you just get, you, you can't, you could re-subdivide 559 once to make it into two lots, but then you would have 258 as a single lot for density purposes, do you not? Or maybe I'm thinking of the septic's law. Yeah, I think (inaudible).

MR. MCCANN: We're not there yet, we're not there yet.

CHAIR: We're not there yet, I apologize.

MR. MCCANN: Let me back up, let me back up (inaudible).

MS. DEMILIO: I believe he's just talking general density on RC-4 on paper. Just think of it on paper.

CHAIR: Right.

MS. DEMILIO: Okay, before --

CHAIR: Point two times the acreage.

MS. DEMILIO: Right.

MR. DOAK: Yes, sir.

MR. MCCANN: So, forty-two acres, 258 and 559, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: The, the conveyance of 559, I think you said in 1993, correct?

MR. DOAK: Yes.

MR. MCCANN: In your opinion, that used up, utilized, allocated two of those eight density units, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: And the reason why is because it was not, didn't go through the process?

MR. DOAK: That's correct.

MR. MCCANN: So, we're left with on, am I correct, on parcel 258, we're left with six density units, correct?

MR. DOAK: Thirty acres, six density units.

MR. MCCANN: Okay.

MR. DOAK: Yes, sir.

MR. MCCANN: So, take us forward from there, you, number one, you started to explain about the conservancy easement, let's put that aside for now because I think that confuses things, what, what happens next in terms of density after 1993?

MR. DOAK: Well, it's, it's, it's my belief that, that the next thing that comes about is the, the septic law, okay?

MR. MCCANN: Okay.

MR. DOAK: So, we've, we've got here six density

rights, two density rights, okay? Illegal subdivision, which that plays a part in it, okay? So, then when you come in and you would want to further subdivide these properties, you would have, you would do it through the minor subdivision process, and that's all that's allowed with the septic law, okay? And at that time, it's my belief that, that the County would require you to incorporate and show parcel 559 as a lot because it wasn't done through any process of Baltimore County. So, in turn, they would require that to be shown at that time, okay?

CHAIR: They would, they would include 599 as part of 258, is that what you're saying?

MR. DOAK: They would include it as part of the minor subdivision.

CHAIR: Right.

MR. DOAK: Call it a lot and allow you to subdivide parcel 258 again.

CHAIR: Right.

MR. DOAK: Because this has already been conveyed off to somebody.

CHAIR: Right.

MR. DOAK: But they want to have it as part of a process and they want to know the, the allocation of density.

MR. MCCANN: So, at most, two density units on parcel 258?

MR. DOAK: That's correct.

MR. MCCANN: Bottom line, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: Is there an argument to be made, I thought you were making it for that, the allocation of, was it the conveyance of 559, what you characterize as an illegal subdivision, utilize two density units. Why wouldn't 258 only have one left then?

MR. DOAK: Well, once again, it's, it's, it has a house on it now so, in turn, that would be at, at least one density unit that would be utilized and then how it is shown on the minor subdivision and the allocation of density, you could say that there is two there, okay? But usually it's one lot, one density, okay? And the remainder stays and then it's utilized for the rest of the subdivision.

MR. MCCANN: And where the conservancy ease, area would have to be, would, might, well, strike that. I'll leave that alone. I'll leave that alone.

CHAIR: Just, just so we're clear on that. There can be a house in a conservancy area?

MR. DOAK: Yes, sir, there can.

CHAIR: And that doesn't mean no (inaudible) structures, it just means one structure in the conservancy area?

MR. DOAK: Yes, sir. You can have no structures.

CHAIR: You can have no structures.

MR. DOAK: You can have no house in a conservancy.

CHAIR: Or you can have one.

MR. DOAK: Yes, sir.

MR. MCCANN: Bear with me, Mr. Evans.

CHAIR: Sure.

MR. MCCANN: Mr. Doak, you can sit down if you want. I, I just want to ask you a couple maybe, as I was I asking Mr. Wells, some more fundamental questions. Number one, you, is a minor, what is a minor subdivision in Baltimore County?

MR. SCHMIDT: Objection. (inaudible) foundation. I mean, again, we talked about this before.

CHAIR: Well, I think it's been asked and answered actually.

MR. SCHMIDT: Yeah.

CHAIR: It's, it's, it's three or less, right?

MR. SCHMIDT: That's what the County, right, we've already done this.

CHAIR: Yeah, we've gone through that really.

MR. MCCANN: Okay.

CHAIR: Okay?

MR. MCCANN: I just wanted Mr. Doak to say it, but that's okay.

CHAIR: I, I think he did at the very outset.

MR. SCHMIDT: He did.

MR. MCCANN: Okay. All right. And there was a

discussion about re-subdivision of minor subs, do you remember, remember that during Mr. Wells' testimony?

MR. DOAK: I do.

MR. MCCANN: When you have a minor subdivision that utilizes all three lots, can you perform another minor subdivision of that area?

MR. SCHMIDT: Objection. Just, I mean, I, this is the legal argument in this case and I just don't think this witness should opine, be opining on, on that.

CHAIR: So, first, first of all, I think he answered that before as well. The answer is no, you can't. If it's, if it's a --

MR. SCHMIDT: I probably objected and you overruled my objection, but so, I'll object this time on ask and answered.

CHAIR: Okay, all right. Asked and answered.

MR. MCCANN: Is that what's referred to as a creeping subdivision?

MR. DOAK: Yes, sir, it is.

MR. MCCANN: That's a term of art that's used in your business?

MR. DOAK: It is.

MR. MCCANN: Okay. I have no other questions. Thank you.

CHAIR: Ms. Demilio?

MS. DEMILIO: I don't, I don't have any questions for Mr. Doak.

CHAIR: So, we have cross. Do you want to take a break before then or do you want to do, press ahead and take a break afterwards?

MR. SCHMIDT: Why don't we take a break? I mean, it's what, twenty after twelve?

CHAIR: Yeah.

MR. SCHMIDT: Yeah.

CHAIR: I mean, this will give you a chance --

MR. SCHMIDT: Why don't we take a break now?

CHAIR: -- to collect your thoughts.

MR. SCHMIDT: Sure, that's fine. I appreciate that.

CHAIR: Okay. So, how about forty minutes, back at 1:00, is that fair enough, people?

MR. SCHMIDT: That's fine.

CHAIR: Is that enough time to --

MR. SCHMIDT: Thank you, Mr. Evans.

CHAIR: Okay.

(RECORDING PAUSED - 12:18:53 PM)

(ON RECORD - 01:16:16 PM)

CHAIR: So, we're back on the record for the afternoon session and I apologize, I said forty minutes, forty-five, I, I mean, an extra fifteen it's almost (inaudible).

MR. SCHMIDT: No problem.

CHAIR: So, anyway. I guess it's up to you, Mr. Schmidt?

MR. SCHMIDT: Thank you, Mr. Evans. You all back, we're good?

BOARD: You're under oath already, you're already under oath.

CHAIR: Okay, that's fine. Thank you, sir. Mr. Doak, you indicated that you were involved, I think, with the, what's, what we're calling the septic law, the State law, correct? You were involved, I wanted to ask you about your involvement in that. You, and I think you mentioned Mr. Moxley were involved. I don't know if it was within the drafting of that law or the preparation of the law, is that what you were saying?

MR. DOAK: Okay. When, when it was being considered and how it was to be applied to Baltimore County, Baltimore County felt that it would, it would suit them as well as the professional people out there, attorneys, surveyors, those people, that, that they have, they put together committees, that they, they also have instructional seminars, so in the beginning, they were trying to determine whether one should they go ahead and leave the minor subdivision definition the way it is, way it has always been or also how to apply it and, and anything unique that should, Baltimore County should look into to do it.

MR. SCHMIDT: Okay. So, just so I can understand your answer, so after the State septic law, as we've been calling it, was enacted, you participated in some seminars and some other meetings about its application to Baltimore County?

MR. DOAK: It was in that time period when they gave you the period to decide how you were going to apply it --

MR. SCHMIDT: Okay.

MR. DOAK: -- in your County, in Baltimore County.

MR. SCHMIDT: And, okay and when did the septic law become effective?

MR. DOAK: As far as I know January 1, 2012.

MR. SCHMIDT: Okay. That's when it became effective?

MR. DOAK: I believe so.

MR. SCHMIDT: Okay, all right. Mr. Doak, what's a, what's a lot of record?

MR. DOAK: A lot of record. Are you looking for Webster's dictionary or, or my definition?

MR. SCHMIDT: Well, let me ask it this way. Does Baltimore County define lot of record?

MR. DOAK: I think they have, I don't know whether it's in the, in the zoning manual or any kind of definition in the regulations.

MR. SCHMIDT: Okay.

MR. DOAK: I know what in, has been applied in my years of doing it with the County.

MR. SCHMIDT: Okay. So, you, you don't know if there's a definition of the phrase lot of record in the zoning regulations?

MR. DOAK: I do not.

MR. SCHMIDT: Okay. You don't know, do you know if there's a lot of record in the Baltimore County Code?

MR. DOAK: I do not.

MR. SCHMIDT: You do not. Okay.

MR. DOAK: I'd have to look.

MR. SCHMIDT: Let's assume, just for the sake of arguments, that you're an expert and you can deal in hypotheticals. How long you been doing this? Thirty, thirty years?

MR. DOAK: I graduated in 1978, so in the field and, and practicing, forty years, but in Baltimore County thirty-two years.

MR. SCHMIDT: Okay. Let's assume that the definition of lot of record is a parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof. Did you hear that okay? Okay.

CHAIR: Now, what, what section is that?

MR. SCHMIDT: That's in the definition in the Baltimore County zoning regulations and it is similarly defined

in the Baltimore County Code.

CHAIR: Right, yeah, but what section number is that?

MR. SCHMIDT: 101.1 and 32.4., I'm sorry, 34-4-10, 101, definition lot of record.

CHAIR: Okay, thank you.

MR. SCHMIDT: As I, Mr. Doak, let me ask it this way. As I understand that definition, when one is computing the rights of subdivision for a property, they determine that if that property is a single lot of record and if it is, then they apply the density regulations to it and only to it, not to any other property. You understand what I'm saying?

MR. DOAK: Not exactly, I'm sorry.

MR. SCHMIDT: All right. Well, let me ask it this way. Would you agree that the purple piece and the, the aqua, the teal piece are two separate lots of record?

MR. DOAK: They are.

MR. SCHMIDT: So, that each one would be considered separately when you're evaluating density? You don't total them up and calculate density?

MR. DOAK: No, sir. Not unless that's what you're proposing as part of your development.

MR. SCHMIDT: Right. But as they, since these existed as separate pieces in 1979, they would be viewed separately, unless they were combined by, by, by the property owner.

MR. DOAK: But the purple and the teal were not that as of '79.

MR. SCHMIDT: They were not separate lots of record?

MR. DOAK: No, because the, the, the white piece, I forget the parcel numbers, down there below.

MR. SCHMIDT: Um hm.

MR. DOAK: Had not been taken out because that was subdivided in 2000.

MR. SCHMIDT: Okay. Let me go back, let me try this again.

MR. DOAK: Okay.

MR. SCHMIDT: In 1979, as I understand it, it's your testimony that there, I'm trying to make sure I characterize your test, testimony correctly. That, that there was a piece of land which encompassed parcel 606, parcel 304, --

CHAIR: Parcel, that's 350, I think.

MR. SCHMIDT: I'm sorry, 350 and parcel 598 and that was a single parcel.

MR. DOAK: That's correct.

MR. SCHMIDT: Is that correct?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay. Similarly at that time, parcel 258 existed along with parcel 559 because 559 had been taken out, had not, had not been taken out.

MR. DOAK: Had not been taken out, right.

MR. SCHMIDT: Okay. But for the purpose of calculating density, just, I'm starting at the beginning, would you agree with Mr. Wells' assessment that one would first consider what I'm indicating and for the record, again, 606, 350 and 598 and do a density calculation for that, and then do a separate density calculation for 559 and 258. That's indeed what you did as well, correct?

MR. DOAK: It, it is but I didn't, when I started out the density calculation, I didn't take into consideration the parcel here or here or there separately. I did it as the, the total parcels.

MR. SCHMIDT: I'm not trying to trick you, Mr. Doak.

MR. DOAK: I didn't think you were.

MR. SCHMIDT: But, I guess what I'm saying is, we've heard an explanation from Mr. Wells and from, from you about a den, about density calculations that were done.

MR. DOAK: Yes, sir.

MR. SCHMIDT: And as I understand it, and I apologize for saying this, but you did a density calculation for this.

MR. DOAK: Yes, I did.

MR. SCHMIDT: Then you did another density calculation for this?

MR. DOAK: Yes, sir, I did.

MR. SCHMIDT: Okay. So, and you didn't combine all of these into one and do a single density calculation?

MR. DOAK: I did not.

MR. SCHMIDT: Okay and I'm assuming that the reason you did that and Mr. Wells did that is you considered these to be two separate lots of record as of 1979, is that a fair statement?

MR. DOAK: My, my issue with that, and I'm not trying to be argumentative, is that the definition in zoning is, is, what is in zoning, okay? But you can't always say that it's a lot of record because it doesn't meet all the def, all the requirements of a lot in Baltimore County, okay? So, you understand what I mean?

MR. SCHMIDT: I do not.

MR. DOAK: Okay. A lot --

MR. SCHMIDT: Now, this is the definition of lot of record by Bruce Doak.

MR. MCCANN: No, it's a definition of lot.

MR. SCHMIDT: Are you doing the one in the zoning regulations?

MR. DOAK: And you can characterize it that way, I don't mind.

MR. SCHMIDT: No, I'm not --

MR. DOAK: No, you're not putting me out.

MR. SCHMIDT: But you said you didn't know if there, you didn't know there was a definition lot of record.

MR. DOAK: No, so --

MR. SCHMIDT: In the zoning regulations. So, --

MR. DOAK: That's right.

MR. SCHMIDT: -- so maybe I'll ask it this way. What do you, what's your definition of lot of record?

MR. DOAK: My definition is one that meets all the requirements of Baltimore County and can be built on. Okay? So, if you have a track of land, well, let's just a five acre piece of ground out there, it doesn't have, it doesn't have septic approved on it, it doesn't have a well approved on it, it can't meet the setbacks, has a stream running through the middle of it. For me, my definition, per Bruce Doak, is that's a parcel of record, okay?

MR. SCHMIDT: But it's not a lot of record?

MR. DOAK: But it's not a lot of record.

MR. SCHMIDT: Okay.

MR. DOAK: Which, when it meets all the requirements, --

MR. SCHMIDT: Okay.

MR. DOAK: -- then in, then in turn, and has been approved, then in turn, makes it a lot of record.

MR. SCHMIDT: Okay. So, it becomes a lot of record when it's approved?

CHAIR: When it's capable of being approved.

MR. DOAK: When it's capable of being --

MR. SCHMIDT: When it's capable of being, when it's

capable --

CHAIR: Improved.

MR. SCHMIDT: -- of being improved?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay, okay. Does the description of the property in the Land Records have any bearing on whether a piece of ground is a lot of record or not?

MR. DOAK: It does not.

MR. SCHMIDT: It does not. Okay. So, okay.

MR. DOAK: If that was the case, then in turn, you wouldn't have to go through Baltimore County to create lots, you would just, Mr. Wells and I would just go out and do some surveying and write descriptions and lawyers would record it.

MR. SCHMIDT: Okay.

MR. DOAK: That would make them lots of record.

MR. SCHMIDT: Okay. Okay. Thank you, sir. I'm not done, but thank you for that answer, I appreciate it. While I'm on definitions, let me ask you this, Mr. Doak. Is there, to the best of your knowledge as an expert witness, a definition in County law of subdivision?

MR. DOAK: I, I can't tell you whether there is or not.

MR. SCHMIDT: Okay. So, you don't know if the word subdivision is defined?

MR. DOAK: I do not.

MR. SCHMIDT: Okay. All right. Since you don't know if there's a subdivision definition in County law, do you have a definition of subdivision that you use or have used in describe, you've used the word subdivision today --

MR. DOAK: Yes, sir.

MR. SCHMIDT: -- during your testimony, so in, again, since you're, you're, you do not know if the County defines subdivision anywhere, how do you define subdivision when you are telling the Board today about subdivision, what do you mean by that? What is a subdivision as far as Bruce Doak is concerned?

MR. DOAK: When a parcel or a lot --

MR. SCHMIDT: Uh huh.

MR. DOAK: -- it can be either, is, is, goes through a process and in turn, becomes is, is, it's hard not to use the word, is made into smaller parcels of the parent tract.

MR. SCHMIDT: Okay.

MR. DOAK: Or, or lot, parcels or lots of it.

MR. SCHMIDT: Okay. So, if you take a piece of land, we'll say piece generically.

MR. DOAK: Um hm.

MR. SCHMIDT: You divide it into five pieces, that's a subdivision?

MR. DOAK: Did we go through Baltimore County?

MR. SCHMIDT: Oh, okay, through Baltimore County.

MR. DOAK: Okay and --

MR. SCHMIDT: So, in order for it to be, in order for there to be a, your definition of subdivision presupposes that it is a req, it has been app, the division of land has been approved by Baltimore County?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay and that's part of the definition as far as you're concerned?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay. Okay and if it's not been approved by Baltimore County, then that is not a subdivision?

MR. DOAK: I can't say it's not a subdivision of, there was a subdivision of conveyance, meaning that they've conveyed out a piece of it. Did it go through the process it was required to through Baltimore County? No. So, in turn, in the eyes of Baltimore County and in turn, the, my responsibilities, I would say no.

MR. SCHMIDT: Okay, okay. One more definition. Does Baltimore County, or are you aware, are you aware of the, of a definition of the term minor subdivision in Baltimore County law?

MR. DOAK: I do not know of any definition of that.

MR. SCHMIDT: Okay. You don't know if Baltimore County defines, quote, minor subdivision, or not? You don't know?

MR. DOAK: I know the, it is referred to many, many different places, but as a definition and the County Code, or in the zoning manual, I don't know of one.

MR. SCHMIDT: Okay. You've indicated that it's, that it's referred to in many, many, many places.

MR. DOAK: Yes.

MR. SCHMIDT: Tell me where.

MR. DOAK: The, the checklist for Baltimore County, the, the, the --

MR. SCHMIDT: Okay, let's stop there.

MR. DOAK: Okay.

MR. SCHMIDT: What's the checklist? Is that something in the Code or zoning regulations?

MR. DOAK: It, it's zoning policy, zoning, it's what's offered by (inaudible) as informative literature given out in, in the way of how much of one lot cost, when two lot cost, three lot cost, --

MR. SCHMIDT: Does it use the word minor subdivision in the checklist?

MR. DOAK: I, I'd have to, I would say yes.

MR. SCHMIDT: It does?

MR. DOAK: I, I would say in the part that describes the heading of it and about the paying of it, but I don't know if anywhere throughout the, the rest of it it does.

MR. SCHMIDT: Okay. So, the, the words minor

subdivision are used in the, in this checklist, which is an informational document?

MR. DOAK: Yes.

MR. SCHMIDT: Okay. You said in many places. Where else is the phrase minor subdivision used?

MR. DOAK: Well, also in the, in the review comments, but, from the County agencies.

MR. SCHMIDT: You mean, when, when, I, I guess, Mr. Doak, here's what I'm trying to ask you. When you said the review comments, you mean when the County is looking at a plan, somebody who is reviewing it may have said the word minor subdivision in their review, is that what you're saying?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Is that it? Okay.

MR. DOAK: Um hm.

MR. SCHMIDT: I'm sure people use the word minor subdivision, use those two words together, but my question is, you said it's referred to in places in the County and what I'm asking is, in what law, regulation, authority, etcetera, does the word minor subdivision appear?

MR. DOAK: I don't, I can't tell you that.

MR. SCHMIDT: You don't, you don't know?

MR. DOAK: No, sir.

MR. SCHMIDT: Okay, fair enough. If you don't know, that's fine. Okay. Let me ask you, if I can, you spent some

time talking about parcel 606.

MR. DOAK: Yes, sir.

MR. SCHMIDT: Which is a 4.414 acre parcel now owned, I believe, by Steven Silcott and his wife, I believe, Norma Silcott, is that correct?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. Do you know from your review of the documents that you looked at in preparation for your testimony today, that property, who did, let me take it back. Who did Steven and Norma Silcott acquire that property from?

MR. DOAK: I'd have to look at the Deed but it was a Silcott as well. I --

MR. SCHMIDT: Okay.

MR. DOAK: Edward, I believe, but --

MR. SCHMIDT: Edward, the father, is that, if I told you it was the father and mother?

MR. DOAK: I'd believe that.

MR. SCHMIDT: That's correct.

MR. DOAK: Okay.

MR. SCHMIDT: Okay. Do you know who, do you know who Edward and Janice, the mother and father, acquired the property from, parcel 606?

MR. DOAK: Well, they were conveyed it twice. They were conveyed it in 1979 as a forty-eight acre piece and then they were conveyed it again in 1982 from a different entity

and, as the 4.14, 4.441, okay?

MR. SCHMIDT: Was that a confirm, confirmatory Deed the second, the second instrument?

MR. DOAK: It doesn't say that. It, I, over the break, I read it three times and it doesn't, it isn't clear as to why and how.

MR. SCHMIDT: Okay. Would you, would you character, I know it doesn't say that, would you characterize it as a confirmatory Deed?

MR. DOAK: I cannot even, I couldn't even go that way to make you happy.

MR. SCHMIDT: Okay. You don't know whether it is or not?

MR. DOAK: No.

MR. SCHMIDT: You're making me very happy, Mr. Doak.

MR. DOAK: Okay, well, I just know that it was in Edward's name at the time of the, of the subdivision.

MR. SCHMIDT: Okay. Do you, do you know who Edward and Janice Silcott acquired the 4.41 acre piece from?

MR. DOAK: It was a three entity, a three person entity or some, I, I'd have to look at it again.

MR. SCHMIDT: Okay, all right. Do you know if the 4.414 acre property was ever referred to in the Land Records of Baltimore County as a separate property and not part of the purple piece?

MR. DOAK: Yes, it was.

MR. SCHMIDT: Okay. When was that?

MR. DOAK: The 1982 Deed.

MR. SCHMIDT: Okay and so, it was a separate property, it was considered a separate property at that time, correct? Separate, when I say a separate property, a separate property from the purple property, parcel 350? Is that correct?

MR. DOAK: I think you can't make that assumption in that originally they were sold forty-eight acres, okay? I reviewed the meets and bounds and it incorporated, encompassed, the 606, okay?

MR. SCHMIDT: I understand that they acquired forty-eight acres, but my question is this. In the Deed of their acquisition, or in any Deed, was it ever said, was it ever shown, that what they acquired were, in essence, two pieces of land, parcel 606 and parcel 350?

MR. DOAK: No, sir.

MR. SCHMIDT: So, it's nowhere in the Land Records, there's, there's not a document recorded in the Land Records of Baltimore County that refers to these as two separate parcels?

MR. DOAK: Not that I know of.

MR. SCHMIDT: Okay.

MR. DOAK: Okay?

MR. SCHMIDT: Okay. Do you know, have you done any

investigation as to how the individual or individuals who conveyed, and I think you said it was a (inaudible) of three people.

MR. DOAK: Yes.

MR. SCHMIDT: Who conveyed the property from, who conveyed the property to the parents, Edward and Janice, how they acquired it?

MR. DOAK: No, sir. Well, only that I saw it in the, the chain of title but I, I didn't look at it at all.

MR. SCHMIDT: Okay. Do you know if it was acquired by Deed or by adverse possession? If you know?

MR. DOAK: I, I do not know.

MR. SCHMIDT: If you don't, you don't know. Okay. If this, if this property, if 606 had been acquired through adverse possession, had been conveyed to the Silcotts then with a property which had been acquired by the prior owner by Deed, not adverse possession, but by conveyance, would you consider those to be two separate properties for the purposes of subdivision?

MR. DOAK: Okay. So, the first Deed I saw was to the Silcotts for forty-eight acres, which incorporated that, okay? The second Deed was separately for the four acres by itself, okay? So, for whatever reason and we'll say, let's say it's adverse possession, they in turn were conveyed it by two different entities that, that 4.441 acres.

CHAIR: Mr. Doak, in the, in the conveyance of the, in the forty-eight acre conveyance.

MR. DOAK: Yes, sir.

CHAIR: Okay? In the meets and bounds description of the land to be conveyed, does it differentiate at all between what we're now calling 350 and 606?

MR. DOAK: No, sir.

CHAIR: It just, the meets and bounds reflect the entire --

MR. DOAK: Yes, sir, and I read every call and it, and it is the entire 606, the purple, and whatever parcel that is down below, yes, sir.

MR. SCHMIDT: The Board's indulgence for just a minute. Can I have just a minute, Mr. Evans? So, I --

CHAIR: Sure, take, take, take as much time as you need, sort of.

MR. SCHMIDT: -- so many documents.

MR. DOAK: You opened that door.

CHAIR: So, just so everyone's clear, we're, we're, we're not on an unlimited time schedule.

MR. SCHMIDT: I understand.

CHAIR: Okay. We have some issues at the, towards the end of the afternoon.

MR. SCHMIDT: Okay. Okay. I'll move on. The Deeds are in evidence and they speak for themselves. Let me ask you

this, Mr. Doak. Are you familiar with the County practice, or are you familiar with the County law as an expert witness, if one has two separate properties and wish, and with two separate but adjoining properties and wishes to combine them to create a single parcel, sort of the opposite of what you described as a subdivision, how is that, to the best of your knowledge, if somebody came to you, how would you tell them to do that? What would they have to do to do that?

MR. DOAK: In the definition of subdivision in the regulations, it says --

MR. SCHMIDT: Now, you just told me five minutes ago that there, you didn't know if there was a definition of subdivision in the regulations.

MR. DOAK: And I remembered it as, what it was going to tell me, because I, you just sparked my memory as to what it said. It says the --

MR. SCHMIDT: So, now there is a definition of subdivision?

MR. DOAK: Well, I can't, I can't tell you exactly what it says.

MR. SCHMIDT: Okay.

MR. DOAK: But it says, either it's the separation or the consolidation of properties meets the definition of subdivision and the reason I know that so well is because I don't agree with it, so in turn, that's, that's what their

definition is.

MR. SCHMIDT: Okay. So, the definition under the County law that you're aware of, that you now just remembered, is not only if you're dividing a property to pieces but if you're combining a property, combining properties into a single piece, you would still do what is called a subdivision?

MR. DOAK: That's what the definition says.

MR. SCHMIDT: Okay. Assuming, arguendo, that, that 606 and 350 were separate pieces at some time, to the best of your knowledge, has there ever been a combining of those properties through any process you found in your research where these have become one property?

MR. DOAK: Well, you could say that the 2000 minor subdivision reflects that.

MR. SCHMIDT: Okay. It reflects it, okay, by saying where on here that this is a combination of lots, does it say that?

MR. DOAK: No, sir.

MR. SCHMIDT: Doesn't it say, in fact, and identify two lots only?

MR. DOAK: No, that's the final outcome is two lots.

MR. SCHMIDT: Doesn't it say on the minor subdivision plan, doesn't it call it lots one and two?

MR. DOAK: That's the final outcome of the minor subdivision. It doesn't say, it doesn't address at all what,

that this was a combination or that adverse possession came into play with 606, it doesn't reflect any of that.

MR. SCHMIDT: Is it your testimony, Mr. Doak, that it was the intention of this document to combine parcel 606 and parcel 350? That that's what you believe this document was intended to do?

MR. DOAK: I believe it is a subdivision, look, I'm looking at it just like you are and that's all I have to base my opinion on, is I believe that they are proposing to subdivide what Mr. Silcott believed he owned at that time into two lots.

MR. SCHMIDT: Okay.

MR. DOAK: That's what I believe.

MR. SCHMIDT: Okay. Getting back to the question that I asked you, let me draw the Board's attention to, if I can, to the exhibit which contained the Deeds of section, for parcel 350 and I believe it is the Deed under item number three.

MR. MCCANN: (inaudible).

MR. SCHMIDT: And I'm referring to the liber and page number 6371699, if you have it. It, again, is under, for 350, it's the third Deed, third Deed listed, I believe, in the booklet and the liber and page number is 6371.

MR. DOAK: Yes, sir.

MR. SCHMIDT: And, Ms. Murphy, can I --

BOARD: Mr. Doak has it.

MR. SCHMIDT: Oh, Mr. Doak has it?

MR. DOAK: Um hm.

BOARD: He has the exhibit.

MR. SCHMIDT: And page four.

MR. DOAK: Right, right there.

MR. SCHMIDT: Okay.

MR. DOAK: That's what you wanted to show me.

MR. SCHMIDT: All right and Mr., Mr. Doak, let me ask you. In that instrument, very simply, and Mr. Evans, am I telling you the right one? I just want to make sure you're looking at the same thing. It's that document but it's the fourth page of it.

CHAIR: Oh, 699, okay.

MR. SCHMIDT: Okay. Does that document identify two separate parcels?

MR. DOAK: Yes, it does.

MR. SCHMIDT: Okay and one of those parcels, number one, is 4.414 acres, correct?

MR. DOAK: Yes, sir, it is.

MR. SCHMIDT: And isn't that the parcel which is now called parcel 606?

MR. DOAK: Yes, sir, it is.

MR. SCHMIDT: Okay. So, it's separately described in that Deed, correct?

MR. DOAK: Yes, sir, it is.

MR. SCHMIDT: Okay.

MS. DEMILIO: I'm sorry, what's the date of the Deed, Mr. --

MR. DOAK: February 5th, 19, 1982.

MS. DEMILIO: (inaudible).

MR. SCHMIDT: Yes, yes, ma'am.

MS. DEMILIO: Thank you.

CHAIR: The second parcel in that description --

MR. SCHMIDT: Let me get it in front of me.

MR. DOAK: First, parcel number one, 4.41.

CHAIR: Yes, that's 606. What's parcel number two?

MR. DOAK: Is a small strip up at the top.

CHAIR: It's a tenth of an acre?

MR. SCHMIDT: Yes.

MS. DEMILIO: Don't even go there.

MR. DOAK: I was going to say that exact --

CHAIR: Okay. But the point, the only point, the only point I'm concerned about is it's not the larger 350?

MR. SCHMIDT: No, no, it is not.

CHAIR: Okay. That's all I wanted to know.

MR. SCHMIDT: And, and I'm not, I'm just drawing it to your attention only for --

CHAIR: That's all I wanted, that, that was all I --

MR. SCHMIDT: -- to show the four, the 4.14 acre

piece is described separately.

CHAIR: I got it.

MR. SCHMIDT: And we're going to argue, obviously, (inaudible).

CHAIR: That, that's fine. I just wanted to make sure it wasn't being linked to 350 at that point.

MR. SCHMIDT: Right.

CHAIR: It wasn't linked to something, okay.

MR. SCHMIDT: Mr. Doak, I was here, I was glad, glad to hear you say, let me move on to, if I can, parcel 258. And I think you described in some detail that there was a conveyance by Mr. and Mrs. Silcott, Sr. to one of their children of the 11.465 acres, correct?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay and I think you indicated that there has been one house constructed on that property, the 11.465 acres?

MR. DOAK: I have not walked it, but that's what it looks like in SDAT.

MR. SCHMIDT: Okay and I think you also said, I wrote this down, usually when you convey a lot, you convey a single density, is that, was that correct, is that what you said?

MR. DOAK: That's the assumption that you do when you do that. It's not, it's not a requirement.

MR. SCHMIDT: Okay. So, there, there is an

assumption and where is this assumption based on? If you could tell me?

MR. DOAK: I can't tell you.

MR. SCHMIDT: Okay. So, if that is the case, if that is the assumption, is there anything that you're aware of, which would rebut that assumption that it was the intent of the Silcotts to convey one density unit to this property?

MR. DOAK: There is not.

MR. SCHMIDT: Okay. You also talked, let me go over to the other parcel, if I can, back to the other one. A couple questions about this. Okay. You're aware of what a tenant house is under the County zoning regulations, correct?

MR. DOAK: Are you asking me for another definition?

MR. SCHMIDT: Well, is there a definition?

MR. DOAK: I don't know.

MR. SCHMIDT: You don't know.

MR. DOAK: I need to spend more time in (inaudible)--

MR. SCHMIDT: Okay. All right. I think you indicated, Mr. Doak, that you didn't know if the tenant house, what's been called the tenant house, was ever approved by Baltimore County as a tenant house?

MR. DOAK: That's correct.

MR. SCHMIDT: You don't know whether it was or whether it wasn't?

MR. DOAK: I do not.

MR. SCHMIDT: Okay. But it is clearly existing --

MR. MCCANN: Hold on, he was going to, he didn't finish his answer.

MR. SCHMIDT: Oh, I'm sorry.

MR. DOAK: As, as of the time of this subdivision, it had not been.

MR. SCHMIDT: How do you know that?

MR. DOAK: Because it didn't, it didn't, well, I do, I do not know that. I do not know that. Nor, in practice, there's a note that's required to be put on there at, that a, that a, that approval has been given for the house shown here on, through the Office of Zoning for use of a tenant house, blah, blah, blah.

MR. SCHMIDT: Okay. Well, how about this note number twenty-eight that says, the existing second dwelling, parenthesis, known as 6140 Deer Park Road, and the address is shown on the tenant house as 6140, is a tenant farmer's dwelling and shall remain as such.

MR. DOAK: Okay.

MR. SCHMIDT: Okay?

MR. DOAK: That's not, that's not the same, one and the same as what is normally required when there is a tenant house.

MR. SCHMIDT: By who?

MR. DOAK: By Baltimore County, by Zoning.

MR. SCHMIDT: Okay.

MR. DOAK: Or by Planning as well.

MR. SCHMIDT: Okay. All right. But you don't know whether this was approved or not as a tenant house, formally?

MR. DOAK: I don't, no, sir.

VOICE: (inaudible).

MR. SCHMIDT: But we do know that under this plat it was identified as a tenant house, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. The tenant house utilizes any density?

MR. DOAK: No, sir.

MR. SCHMIDT: Okay.

MR. DOAK: They do not.

MR. SCHMIDT: Does this plan show a lot line being created around the tenant house to establish the tenant house on its own lot?

MR. DOAK: As I said in my testimony, I can't tell you why they showed meets and bounds lines around the tenant house.

MR. SCHMIDT: Okay.

MR. DOAK: I can't tell you because you would not do that if it was stipulated as a tenant house because it can't be conveyed separately then the principal structure.

MR. SCHMIDT: Could it be that these meets and bounds

descriptions were showing the conservancy area?

MR. DOAK: Could be, yes, sir.

MR. SCHMIDT: Okay. Is it, as a matter of fact, is that a reasonable explanation that this plan was not proposing the tenant house as a separate lot, but was merely showing that the area on which the tenant house was located and the yard and the septic system immediately adjacent to it was not in the conservancy, RC-4 conservancy area?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay. So, your testimony that this plan is showing as many four density units, and what I think what I heard you to say is that this plan is showing the utilization of as, as many as four density units, one being what I'm going to call the main house, the second being lot one, the third being the tenant house and the fourth being the area up by Deer Park Road. Do you still believe that to be the case since this is not defined as a lot?

MR. DOAK: Okay. If, not to be argumentative, but what I said was, should they come back in for a subdivision, further subdivision or they would want to do something different with the lots there, in turn, Baltimore County would require you to address the density that was, was utilized in 606 and at that time, you would have to address whether the tenant house had been approved or not, so if you --

MR. SCHMIDT: Okay. Let me, oh, I'm sorry.

MR. DOAK: -- came, (inaudible), so if you came in for a minor subdivision, a re, re-sub of this, you'd have lot one, lot two, the 606 as lot three and then, of course, you couldn't have the tenant house as a fourth lot in a minor subdivision.

CHAIR: So, if it's not a tenant house, then it's, then it counts as a, utilization of a density unit?

MR. DOAK: That's correct.

CHAIR: If it's not an authentic tenant house, that's what you're saying?

MR. DOAK: And, and should be shown with meets and bounds around it --

CHAIR: Right, it would just be an ad hoc --

MR. DOAK: -- as a lot --

CHAIR: -- another ad hoc sub, an ad hoc splitting off of the parcel, if it's not a real tenant house, right?

MR. DOAK: I don't know what ad hoc in this regard, I'm sorry --

CHAIR: Okay. Well, never mind.

MR. SCHMIDT: But if it is a ten, but if it is a tenant house, it would not utilize density?

MR. DOAK: Would not.

MR. SCHMIDT: Okay and if it was torn down by a future purchaser, it would not use density?

MR. DOAK: It would not.

MR. SCHMIDT: And it could be, in addition to a tenant house, an in-law house, or an in-law apartment could, assuming it got approval to do so, to serve the residents of 6136, could it not?

MR. DOAK: It could.

MR. SCHMIDT: It could be used as not a residence, but it could be a building that could be used for storage or as a garage and in that case, it wouldn't use any, utilize any density as well?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. So, with all that being said, all that we know is that at least when this minor subdivision plan was done, it was referred to as a tenant house, was it not?

MR. DOAK: It was.

MR. SCHMIDT: Okay. We don't know whether it's gotten formal approval or not, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: We don't know whether a future owner of this property may keep it as a tenant house, keep it as an in-law house, keep it as a garage or tear it down, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. Insofar as this property up on the corner, your testimony that this utilizes density associated with parcel 350 is under the assumption that this

piece of land up here is, indeed, part of 350, correct?

MR. DOAK: No, it, it isn't part of 350. 350 is the purple.

MR. SCHMIDT: Okay. So, they're separate lots?

MR. DOAK: It's a part, no --

CHAIR: I think he meant originally, originally.

MR. SCHMIDT: Originally.

CHAIR: Yeah.

MR. DOAK: Yeah.

MR. SCHMIDT: But it's under the --

MR. DOAK: It has, so you're referring to a tax account number, tax parcel number, okay? Which is 350. Yes, it has that. Yes, 606 has its own tax parcel number.

MR. SCHMIDT: Right.

MR. DOAK: But it is part of the parent Deed or the ownership of Mr. Silcott as of 2000.

MR. SCHMIDT: But it's separately described, according to that Deed that I showed you, as parcel one, at least in that particular Deed as a separate property, correct?

MR. DOAK: It is.

MS. DEMILIO: Could you, could you tell me what Deed you're referring to, the 1982 Deed?

MR. DOAK: Yes.

MR. SCHMIDT: Yes, ma'am.

MS. DEMILIO: Before the, before the minor

subdivision?

MR. SCHMIDT: Yes, ma'am.

MS. DEMILIO: Thank you.

MR. SCHMIDT: Yes, ma'am. Mr. Doak, did the RC-4 zoning regulations contain area requirements for the size of lots?

MR. DOAK: Yes, sir, it does.

MR. SCHMIDT: Okay and do you know what the minimum acreage is for a lot size in the RC-4?

MR. DOAK: I believe it's one acre in, in the buildable area.

MR. SCHMIDT: Okay. Is that the same thing as density, the lot area requirement?

MR. DOAK: No, sir.

MR. SCHMIDT: Okay. They're two different things?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay. As I understand, and I don't think I asked you this, I apologize if I did. When you were discussing the, the septic law, I think I heard you say, Mr. Doak, corr, please correct me if I'm wrong that the, the septic tier law does not really regulate the density of a property but it regulates the process to be used in the subdivision of that property, is that what you said? Did, did I --

MR. DOAK: Yes, sir.

MR. SCHMIDT: -- correct that?

MR. DOAK: That, no, that's close enough.

MR. SCHMIDT: Okay. So, in your judgment, the tier law or the septic law is not imposing limitations on how many units can be put on a property, rather it's governing the process that the jurisdiction, in this case Baltimore County, must use in considering that subdivision?

MR. DOAK: Okay. Let me ask, --

MR. SCHMIDT: Is that, is that right? I think that's what I heard you say. You said it's not a, it's not really a limitation on density. The regulations limit density, the zoning regulations limit density. Tier law, the --

MR. DOAK: Determine, determine density.

MR. SCHMIDT: Determine density.

MR. DOAK: The --

MR. SCHMIDT: Tier law doesn't determine density.

MR. DOAK: I don't, as an outcome, yes it does. It determines the use, the availability to utilize that density.

MR. SCHMIDT: Okay. I thought you just said the tier law, or the septic law, sets out the procedure or process by which the local jurisdiction must follow if a subdivision is proposed?

MR. DOAK: I did.

MR. SCHMIDT: Okay. As opposed to providing specific numeric limitations on density.

MR. DOAK: That's correct.

MR. SCHMIDT: Okay, thank you. Mr. Doak, let me ask you, let's use this property. This property, when I say this property, I'm talking about parcel 559. This property is presently owned by a person or persons who does not own parcel 258 or 350, is that correct?

MR. DOAK: That's correct.

MR. SCHMIDT: They're under different ownership, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. There's a house on this property, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: You heard Mr. Wells testify that pursuant to his inquiry with the Department of Assessments and Taxation, Assessment and Taxation would have gotten the information about the size of the house pursuant to the permits, the building permit that would have been issued by Baltimore County when this house was constructed. Do you dispute that? Do you dispute that that's how they ascertain that?

MR. DOAK: Usually that's initially how they get it and then at a certain terms, term and time periods, then they'll go out and do --

MR. SCHMIDT: And look at it.

MR. DOAK: -- a, a new inspection.

MR. SCHMIDT: At one point in time, it's safe to say, there was permits issued for the construction of this house, as well as probably the installation of the septic system, etcetera?

MR. DOAK: Not to be argumentative, but because it's on the SDAT doesn't mean there was a permit issued because if they, that's the normal course of action but if someone builds something under, with no permit and the first term they go out there or they go out there and see it, then in turn, they'll assess it.

MR. SCHMIDT: Okay.

MR. DOAK: But that's not normal.

MR. SCHMIDT: Okay. I can ask you, Mr. Doak, as an expert witness, what is the County Code section or regulation that would require there to be a subdivision now to create, legitimize, whatever term you want to use, this property, given the fact that this property exists today under separate ownership, as a separately described property in the Land Records with a dwelling on it, which we believe to be a permitted dwelling, etcetera. Under those circumstances, what, if anything, is needed to be done and why, under what section of law?

MR. MCCANN: 559?

MR. SCHMIDT: Yes, sir.

MR. DOAK: Okay. So, I know of no regulation that

requires retroactive subdivision. But I can tell you that if, when doing the devolution of title and doing the minor subdivision that would be done, they would require me to --

MR. SCHMIDT: Who's they?

MR. DOAK: The Baltimore County, I'm sorry.

MR. SCHMIDT: Okay.

MR. DOAK: Office of Zoning would require me to show the density utilization and then, in turn, I would show that as a, a utilization of it and they, in turn, would want me to include that as a part of the minor subdivision showing that, okay?

MR. SCHMIDT: But again, I think you indicated, you know of no requirement that you're familiar with in the Code or in the zoning regulations?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay. Do you know, are you familiar with forest buffers and forest buffer easements?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay and tell us what a forest buffer easement is, just generally?

MR. DOAK: It's a, a, a declaration of, of protective covenants that are recorded from the land owner, the current land owner at that time, to Baltimore County, stating what can and cannot be done in an area for the protection of the streams and/or wetlands on the, on the subject property.

MR. SCHMIDT: Okay. So, it's an easement that's created, that's designed to protect environmental resource, a stream or a pond?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Okay. What triggers the need for a forest buffer easement, for the creation of a forest buffer easement? When you're doing forest buffer easements, why are you doing them? Are you just doing them because somebody says I want to have a forest buffer easement on my property? Is there some event that usually requires you to do that?

MR. DOAK: Development.

MR. SCHMIDT: Okay. So, if you're doing development, is it typically, is a, is the creation of a forest buffer easement required as part of a subdivision process?

MR. DOAK: Yes, it is.

MR. SCHMIDT: Okay.

MR. DOAK: Along with many other things that you do.

MR. SCHMIDT: Okay. If I can, Ms. Murphy, can I show the witness again the Deed, Deeds for parcel 258? And if I can draw the Board's attention, I'll tell you what. Ms. Murphy, so you have it, do you have one?

BOARD: Sure.

MR. SCHMIDT: Okay. I just wanted to make sure you could look at it as well. I'm going to draw your attention to the Deed, Mr. Doak, under tab eleven. (inaudible) we all know

how fair I am, so I'm trying to be fair to you. So, that is the Deed, is it not, that conveyed the property to, if I go to the first page, from Edward and Janice Silcott to Steven Silcott, correct?

MR. DOAK: That's correct.

MR. SCHMIDT: So, that's the Deed that conveyed property 559, which we've characterized, or you've characterized, as an illegal subdivision or, I think that's what you called it.

MR. DOAK: I did.

MR. SCHMIDT: Okay. From the senior Silcotts to the Silcott, Jr., okay?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Let me ask you if I can --

BOARD: Is it ten, ten?

BOARD: Is it ten, yeah, I think you got the wrong number.

BOARD: Ten, not eleven.

MR. DOAK: It's eleven, it's eleven.

BOARD: Yeah, it's under ten for us.

MR. SCHMIDT: It's under ten? Okay, sorry.

BOARD: So, that the exhibit --

MR. DOAK: 9603 page 721.

MR. SCHMIDT: Is that the one you're looking at?

BOARD: Ten.

BOARD: Yeah, mine says ten.

BOARD: Tab ten.

MR. SCHMIDT: Okay.

BOARD: So, our, the exhibit copy is different than our copies so.

BOARD: The 1993 one?

MR. DOAK: Yes, sir.

MR. SCHMIDT: Yes, sir.

BOARD: Yeah, mine is ten.

MR. SCHMIDT: Okay.

BOARD: Eleven is the (inaudible).

MR. SCHMIDT: I think maybe what happened is, maybe ten and eleven were switched, but I'll be happy to check with Ms. Cannington but the documents are in there, I believe. I apologize if there's an error. Anyway, I'm looking at the Deed, let me go by the reference number, 9603 721, is that the one you all are looking at?

BOARD: Ten.

MR. SCHMIDT: Thank you, members of the Board. I apologize for the confusion. And, Mr. Doak, I think I started to say that that's the Deed by which Mr. and Mrs. Silcott conveyed to their son, I believe, the parcel num, which is now known parcel 559, 11.465 acres, is that correct?

MR. DOAK: That is correct.

MR. SCHMIDT: Okay. If I, if I can ask you to go to

page 724, which is sort of the last page of the Deed, and ask you to read the last line on that description, what does that say?

MR. DOAK: Subject to the forest buffer easement as shown on said attached plat.

MR. SCHMIDT: Okay. Now, I will represent to you there is no attached plat.

MR. DOAK: There is not.

MR. SCHMIDT: Okay. If there was a forest buffer easement, however, that is referenced by that Deed, does that suggest to you, Mr. Doak, that there was some development review of some type because you just told us that forest buffer easements are created when a property is reviewed for development?

MR. MCCANN: Objection.

MR. SCHMIDT: If he knows. He's an expert witness.

MR. MCCANN: It's speculative. There could be other reasons why (inaudible) forest buffer easement on the property.

MR. SCHMIDT: Certainly is.

MR. MCCANN: A forest buffer easement --

MR. SCHMIDT: Well, he can explain why it would be there. Why would they reference a forest buffer easement if this, if this property had not been reviewed by Baltimore County?

MR. DOAK: For a subdivision or for something else?

MR. SCHMIDT: You told me forest buffer easements are created for development, is what you told me. I asked you when they were created.

MR. DOAK: Right.

MR. SCHMIDT: And you said when you develop and I said, for subdivision and you said yes.

MR. DOAK: And for house construction and for other things that are considered development.

MR. SCHMIDT: Well, let me ask you this, let me ask you this. Would they, for house construction, they would already have a forest buffer easement in place prior to conveying the property?

MR. DOAK: No, not usually.

MR. SCHMIDT: Okay. So, assuming the house was built after the Silcotts acquired the property, doesn't the language of that document suggest at least some review by Baltimore County of this conveyance of the property?

MR. MCCANN: Objection.

MR. SCHMIDT: Through the establishment of a forest buffer easement, which is, which is referenced there?

MR. MCCANN: Objection.

MS. DEMILIO: (inaudible).

CHAIR: I, I'm going to overrule the objection. But this is, I mean, we, we, we can give this the weight which we think it merits.

MR. SCHMIDT: Absolutely.

CHAIR: So, --

MR. SCHMIDT: The point is, Mr. Evans, we don't know what happened and the records are not clear.

MR. MCCANN: So, don't have him speculate. Why are you having --

MR. SCHMIDT: He's an expert witness, he can speculate.

MR. MCCANN: No, he's not, he's guessing, you're asking him to guess what these words mean, that's exactly what you're doing.

MR. SCHMIDT: I'm not asking him to guess what they mean. All that I'm saying, Mr., I think there's going to be an argument, Mr. Evans, about, and I just asked the witness several questions about the require, the requirement to, in effect, subdivide now, which he talked about in his direct examination, and all that I am attempting to establish through this testimony is that at least there is an inference, or there may be an inference and this Board will determine whether it's credible and not during the process of your finding of fact, that at the time this property was conveyed from the parents to the son, there was a forest buffer easement, which is created when you do a subdivision review. So, this may or may not be an illegal subdivision.

CHAIR: Well, so, I think we get the point.

MR. SCHMIDT: As long as you get the point.

CHAIR: We get the point.

MR. SCHMIDT: I will leave it there.

CHAIR: The, you know, the Deed is a little, it's difficult to interpret the Deed because it refers to a --

MR. SCHMIDT: Plat that's not there.

CHAIR: -- plat that's not there. And so, there can be language that is --

MR. SCHMIDT: I'm happy to argue what it, I'll leave it alone. I'll be happy to argue what it --

CHAIR: You can argue, you can argue from that.

MR. SCHMIDT: Right, I'll, I'm happy to make my argument, I just want to establish that that's what it says and Mr. Doak's testimony.

MR. MCCANN: Mr. Evans, can I finish my objection?

CHAIR: Yes, sure.

MR. MCCANN: I know you have overruled it. My, my point is this, is he's asking the witness to guess without any foundation. If there was a foundation, that is, that this lot went through the process, where are the documents reflecting that?

CHAIR: We get --

MR. MCCANN: Where are the subdivision, where's the subdivision file? Where is, where is the application?

CHAIR: I understand that.

MR. MCCANN: So, that, in, in light of that, in light of no other evidence, I think the question is unfair and it's speculative.

CHAIR: Okay. Well, we get the fact that it's a completely speculative question and there is no other foundation other than the inclusion of those words in the Deed. We understand that. So, if that's worth something, it's worth something. If it's not, it's not.

MR. MCCANN: Okay.

CHAIR: That, but we're not going to, I can guarantee you that it's not going to be a point that, it's not going to be dispositive.

MS. DEMILIO: (inaudible).

CHAIR: You know? I, I mean, really, it's --

MR. MCCANN: Okay, thank you.

CHAIR: It is what it is.

MR. SCHMIDT: It may impress a Circuit Court Judge, Mr. Evans, it may not.

CHAIR: It may, it may not. It may, it may not, yes.

MR. SCHMIDT: We, we, we don't know.

CHAIR: Right.

MR. SCHMIDT: But, --

CHAIR: But you have made, you have asked the question, it's essentially been answered.

MR. SCHMIDT: Yes.

CHAIR: And we get it.

MR. SCHMIDT: Thank you. I'll move on. Mr. Doak, you also identified, and again, during your direct examination, I hate to be jumping around but my questions were as you were testifying, I apologize. That, I think you agreed that although a minor subdivision plan was approved for Baltimore County, which is the, this exhibit of minor subdivision plan for three, parcel 350, and although there was a plat recorded for that as, as well, correct?

MR. DOAK: Yes.

MR. SCHMIDT: Okay, that there was no conservancy Deed for the conservancy area that was ever recorded?

MR. DOAK: That's correct.

MR. SCHMIDT: Okay and as I wrote down your answer, you indicated that it is the policy of the County not to require the recordation of the conservancy easement Deed until after all the density is utilized, is, is that correct?

MR. DOAK: Not all of it. Would, all of it, they could be under a minor subdivision.

MR. SCHMIDT: Okay. So, my question, sir, is when you use the word policy, again, is that in County law somewhere, can you direct me to any provision of the zoning regulations, the Baltimore County Code, the, anything that says what you said? That is, that you don't record a conservancy Deed until such time as the density on the minor subdivision

plan is utilized?

MR. DOAK: No, sir.

MR. SCHMIDT: Okay. Okay. Just a moment, Mr. Evans.

CHAIR: Sure.

MR. SCHMIDT: That would be all, thank you.

CHAIR: Thank you.

MR. SCHMIDT: Thank you for your --

CHAIR: Some re-direct?

MR. MCCANN: Just a couple questions, yeah, just a couple. Mr. Doak, Mr. Schmidt just asked you and he asked you on previous occasions during cross examination about where in the zoning regulations or where in the law certain policies and procedures and standards you've spoken about exist and I think you've acknowledged a couple times that, that it may not be in writing, do you agree, do you recall that testimony?

MR. DOAK: Yes, sir.

MR. MCCANN: All of the policies and standards and procedures that you've spoken about today, whether on direct or cross examination, whether they're in writing or not, are they all based on your experience over thirty plus years of doing work in Baltimore County?

MR. DOAK: Yes, sir, they are.

MR. MCCANN: Do you consider all the policies and procedures and standards you spoke about today, both written and unwritten, to be the administrative practice for Baltimore

County?

MR. SCHMIDT: Objection. I'm just going to object to that because it's so broad as to so many things that we've talked about, Mr. Evans. I mean, I understand what he's saying but, I mean, we covered an awful lot of ground and --

MR. MCCANN: Well, either it is or it isn't part of the practice.

MS. DEMILIO: Right.

MR. MCCANN: Yeah.

MS. DEMILIO: (inaudible).

CHAIR: Okay. Overruled.

MR. SCHMIDT: Okay.

MR. DOAK: It is a matter of administrative practice.

MR. MCCANN: Thank you.

MR. DOAK: Yes.

MR. MCCANN: And a couple more questions. Bottom line, Mr. Doak, 1979, when, if we take a snapshot of the area which is now 350 and 606 and (inaudible) 598, in 1990, not, I'm sorry, 1979, those forty-eight acres that you talked about included the area which is now parcel 606, parcel 350 and parcel 598?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. Bottom line, Mr. Doak, in 2000, when the subdivision plan was approved and the plat was recorded, parcel, what is now parcel 606, was included on that

plan and was included on that plat?

MR. SCHMIDT: Just objection. Asked and answered. He covered all this in direct already.

CHAIR: Well, yeah, let's, let's, it's okay. Overruled.

MR. SCHMIDT: Okay.

MR. DOAK: Yes, sir.

MR. MCCANN: Okay and Mr. Evans asked you, I think, but I just want to make sure I understood what you said as well, the forty-eight acres that existed in 1979 as, as you described, included by meets and bounds description, the area which is now parcel 606 as well, correct?

MR. DOAK: Yes, sir, it did.

MR. MCCANN: Okay. Because, as you said, parcel 606 was part of the 2000 subdivision, its conveyance in 2004 did not comply with Baltimore County subdivision requirements?

MR. DOAK: That's correct.

MR. MCCANN: And likewise, when parcel 559 on the other side, was conveyed in 1993, that conveyance did not comply with Baltimore County subdivision requirements?

MR. DOAK: That's correct.

MR. MCCANN: Okay. Nothing else, thank you.

MS. DEMILIO: I just have, I think, two questions. Were you here for, Mr. Doak, were you here for Mr. Wells' testimony this morning?

MR. DOAK: Yes, ma'am, I was.

MS. DEMILIO: All right. Did you hear him say, give any testimony or any documents that said the so called tenant house was approved by the Land Preservation Advisory Board?

MR. DOAK: No, ma'am.

MS. DEMILIO: Okay and then I know Mr. --

MR. SCHMIDT: This is three.

MS. DEMILIO: I'm sorry?

MR. SCHMIDT: You said you had two questions, this is three.

MS. DEMILIO: This is the second.

MR. SCHMIDT: Oh, okay.

MS. DEMILIO: (inaudible).

MR. DOAK: You're going to get smacked.

MS. DEMILIO: All right. Mr., I know Mr. Schmidt talked to you about minor subdivisions and where it was referred to and I think you talked about (inaudible) or it was referred to in the development management, policy management. Is this what you're talking about? Do you recognize that?

MR. SCHMIDT: Can I see it, Ms. Demilio, before you give it to the witness?

MS. DEMILIO: Yes, I'm coming over, be calm.

MR. SCHMIDT: Thank you very much.

VOICE: (inaudible).

MS. DEMILIO: Do you recognize that cover sheet?

MR. DOAK: Am I, am I able to answer before he looks at it?

MS. DEMILIO: No, you're allowed to answer. We didn't offer (inaudible).

MR. DOAK: Okay.

MS. DEMILIO: I want you to identify it.

MR. DOAK: Yes, ma'am, that's --

CHAIR: (inaudible) identify it for the record?

MR. DOAK: That's exactly what I was talking about.

MS. DEMILIO: Okay and the second page of that --

MR. DOAK: Yes, ma'am.

MS. DEMILIO: -- that I handed you, what does that talk about?

MR. DOAK: Procedure for minor subdivisions.

MS. DEMILIO: Right, so is that one of the references you said were --

MR. DOAK: Yes, ma'am. This is what they give to professionals and people, non-professionals, to explain the process and everything that's required.

MS. DEMILIO: Okay and how many lots is it, that they charge you for?

CHAIR: So, let's, Ms. Demilio, let's mark this as an exhibit.

MS. DEMILIO: All right.

CHAIR: So that the record shows what it is.

BOARD: But really, Mr. Schmidt hasn't looked at it yet, have you? Have you?

MR. SCHMIDT: What I would ask is that the entire document come into evidence.

MS. DEMILIO: Oh, please.

MR. SCHMIDT: No, and Ms. Demilio, I have it, no --

CHAIR: Well, let, let's take one step at a time.

MR. SCHMIDT: It's, it's this and I'm happy to make a copy of it and submit it afterwards but she's done a title page and a single page.

CHAIR: So, so, let's, let's impose some order here. She has shown the witness a document, okay? That document is identified as People's Counsel Exhibit 1, okay? So, we've just had testimony about that. Are, do you intend to offer that exhibit, as an exhibit?

MS. DEMILIO: I intend to offer two pages, and I wanted to ask him questions on it, which is why it's only two pages.

CHAIR: Okay. All right. Well, that is admitted as is. If, if it's appropriate for Mr. Schmidt to submit the entire set of documents that composes that, that exhibit, that's absolutely fine and you don't have to even do it today, if you submit it to us, you know, in the, in the course of, you know, --

MS. DEMILIO: The memo (inaudible).

CHAIR: -- the memo or something, I mean, we, it will be considered as if it's an exhibit, okay?

MR. SCHMIDT: Okay, thank you.

BOARD: And I'm pretty sure we have that in the back too, so we can just refer to that (inaudible).

MR. SCHMIDT: I, I will submit it and, Mr. Evans, I apologize, I'm not trying to be difficult.

CHAIR: No, I know.

MR. SCHMIDT: But just --

BOARD: Really?

MR. SCHMIDT: I mean, she put in two pages and, and there's like eight pages.

CHAIR: Okay.

MR. SCHMIDT: And I think the whole thing ought to come in.

CHAIR: That's fine, that's fine. If there's a completeness issue, then that, that's fine.

MR. SCHMIDT: Right.

CHAIR: Also, let's not make little side comments to each other?

MS. DEMILIO: Okay, sorry.

CHAIR: During the course of this?

MS. DEMILIO: Mr. Schmidt and I do that all the time.

CHAIR: Yes, well, let's not do that, okay?

MS. DEMILIO: We won't do it, okay.

MR. SCHMIDT: I apologize.

MS. DEMILIO: I'm sorry. All right. On page two that I showed you, procedure for minor subdivision, what are the number of lots that are listed on page two for a minor subdivision?

MR. DOAK: When they're addressing the fees --

MS. DEMILIO: Right.

MR. DOAK: -- the processing fees are, one lot subdivision, 282, two lot subdivision, 435, three lot subdivision, 527.

MS. DEMILIO: And those are the only number of lots that are referred to on that page two of my Exhibit 1.

MR. DOAK: Yes, ma'am.

MS. DEMILIO: Okay, thank you. Okay. I have no further questions, thank you.

MR. SCHMIDT: Just one quick question, Mr. Doak. Mr. Doak, I'm going to give you a chance to see that whole section of the, I think that the document that Ms. Demilio is Baltimore County Department of Permits and Development Management, Development Management Policy and sir, I'm just going to refer your attention and, I'm sorry, hopefully counsel has this and I'll submit the whole thing. Let me draw your attention to page twenty, Mr. Doak. And that's entitled, Minor Subdivision Plan Checklist Number One. And I think you talked about a checklist. Is this the, is this what you were referring to?

MR. DOAK: It's one of them, yes.

MR. SCHMIDT: Okay. Under item 1-C, in terms of standard notes, could you read into the record number two?

MR. DOAK: Number two, lots proposed equal sign underscore, be advised, if the potential density based on gross area in the density residential DR zones is six or more lots, then use lot, use large lot requirement Section 1-B-0-2, Baltimore County Regulations, even if less than six lots are proposed.

MR. SCHMIDT: Okay. So, that references six lots in that, in the checklist, correct? That's what it says?

MR. DOAK: Are, are you trying to say that you can do six under that?

MR. SCHMIDT: Sir, I get to ask the questions.

MR. DOAK: Okay, I'm sorry.

MR. SCHMIDT: With all due respect.

MR. DOAK: I don't understand.

MR. SCHMIDT: But that, it does say six lots, correct?

MR. DOAK: It does.

MR. SCHMIDT: Okay. Thank you. I have no other questions.

MR. MCCANN: I have a follow up.

MS. DEMILIO: Is that the DR zone or the RC zone?

MR. DOAK: DR.

MS. DEMILIO: DR, okay. Thank you.

MR. MCCANN: But, to, to be accurate and Mr. Doak, it says, quote, if the potential density based on gross area in the den, DR zone is six or more lots, then use the lot requirements, etcetera. Does that language that I just read or anywhere else in this page suggest to you in any way that minor subdivisions can ever be more than three lots?

MR. DOAK: No, sir.

MR. MCCANN: And why not?

MR. DOAK: Because what that says is, if you have a parcel of ground that you wish to subdivide and the potential density could be ten, I use that for an example, but you're only going through the minor subdivision process, three lots or less, then in turn, you have to use the large lot table when computing the setbacks and the areas and everything.

MR. MCCANN: The potential density?

MR. DOAK: The potential.

MR. MCCANN: For instance, in Exhibit, Petitioner's Exhibit 5, which is the subdivision plat, it in fact, and we acknowledge, it says nine density units are allowed.

MR. DOAK: That's correct, potential density.

MR. MCCANN: But this is not a major subdivision plat, this is a minor subdivision plat?

MR. DOAK: That's correct.

MR. MCCANN: Okay. Thank you.

CHAIR: Okay. We done with Mr. Doak?

MR. SCHMIDT: We are, thank you.

BOARD: Question. So, on the minor subdivision plat, then the fee paid was 435 is on there, is on the plat? (inaudible)?

MR. DOAK: What the fee is?

BOARD: Yeah, what the fee is.

MR. DOAK: No, ma'am.

BOARD: Oh, it's not?

MR. DOAK: No.

BOARD: Because it looks like there's a fee on there. But I wasn't sure if that was for, it appears to be something thirty-five.

MR. DOAK: This is, this is the fee for recordation.

BOARD: I gotcha, okay.

MR. DOAK: To, we go over and they stamp and --

BOARD: I gotcha, understood.

MR. DOAK: -- that's what --

BOARD: Okay Thank you.

MR. DOAK: You're welcome.

CHAIR: Mr. Doak, before you get off. At the risk of creating more problems, for something to be an authentic tenant house, it has to be linked to the ongoing agricultural, is that correct?

MR. DOAK: Yes, sir.

CHAIR: Farming or horse breeding or something of that sort?

MR. DOAK: Forestry.

CHAIR: Forestry.

MR. DOAK: Aqua culture, but something that the, the AG Board, now it, it's pretty broad, but whatever the AG Board feels is agricultural.

CHAIR: Okay, thank you. More witnesses?

MR. MCCANN: I don't think so, Mr. Evans. Though, could I, could we step out, you don't need to take a break or anything, could we step out and just confirm that, make sure there's nothing else?

CHAIR: Sure.

MR. MCCANN: I want to make sure there's some people here that --

CHAIR: You want to take a five minute break?

MR. MCCANN: That'd be great.

CHAIR: Okay. Take a five minute break.

BOARD: All right.

(RECORDING PAUSED - 02:27:07 PM)

(ON RECORD - 02:34:44 PM)

CHAIR: So, we're, we're back on the record. We took a short break and now, Mr. McCann, do you have any witnesses?

MR. MCCANN: We do not. So, thank you for that break. Well, I do have one sort of housekeeping thing. And I

have a, the 2000 subdivision plan I have, and it's twenty-five pages long. I don't want to introduce all that. It's public record, but I did want to introduce one document, it's a memo from Lloyd Moxley as part of that file and I'll put it in as exhibit, I actually subpoenaed Mr. Moxley to be here and as the course of things (inaudible) figured I wasn't going to need him and I let him go but I could, I can certainly proffer to the Board that, in fact, Bob Morgan here, who is an attorney, pulled this file from, pulled this document from the Planning Office file 2000 and Mr. Moxley, I would proffer, would have said the same thing. It's his handwriting and I spoke to him about it. So, I'll show it --

CHAIR: This is the Planning file on the subdivision?

MR. MCCANN: Correct.

CHAIR: Okay.

MR. MCCANN: Yeah.

CHAIR: And what's your position on this?

MR. SCHMIDT: I, I haven't, I mean, I haven't read it.

MR. MCCANN: Can I give to mark?

CHAIR: Oh, sure, yeah. Yeah, we'll mark it for identification.

MR. MCCANN: Yes.

MR. SCHMIDT: I mean, if it's out of the County file, I think, in an administrative setting, it's adm, it's

admissible so even though it hasn't really been authenticated but I'm not going to go there. I, I would say kind of the same thing that I said about the other document, that I think as a matter of completeness, perhaps the whole file should come in. If you would give me the same latitude to possibly submit that to you as well, like I did with the policy manual.

CHAIR: Not a problem.

MR. SCHMIDT: I just want to look at it and see. I may say, I don't need to put it in or I may.

CHAIR: Okay.

MR. SCHMIDT: If that's okay?

MR. MCCANN: I, I don't have a problem with the whole file coming in, I really don't, so.

CHAIR: So, but at least for these purposes, this will be admitted and it's --

MR. MCCANN: Okay.

CHAIR: -- Mr. Moxley's notes from the Planning file?

MR. MCCANN: Yes.

CHAIR: Okay.

MR. MCCANN: Thank you.

MR. SCHMIDT: I would just have one short witness on rebuttal.

CHAIR: Oh, sure, sure.

MR. SCHMIDT: Mr. Wells? Mr. Wells, I think, I don't know whether you want, you need to swear him in again or he's

okay? That's okay.

BOARD: Do you swear, raise your hand, do you swear and affirm under the penalties of perjury, the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. WELLS: I do.

BOARD: Please state your name.

MR. WELLS: Kenneth Wells.

MR. SCHMIDT: Mr. Wells, I'm just going to ask you about two things. First of all, the Chairman, Mr. Evans, asked about the tenant house and a question about the agricultural use of the property. Have you reviewed the SDAT printout for the property? And when I say the property, 350, parcel 350, which is the parcel in which the tenant house is located.

MR. WELLS: I have.

MR. SCHMIDT: Is, how is the property classified and taxed, according, by the State of Maryland?

MR. MCCANN: Objection. I'm going to, this is beyond, this is not rebuttal. I'm not sure what it responds to. There was no evidence about agricultural use or non-agricultural use. You asked one question, Mr. Evans, about whether or not there needs to be an agricultural use so I'm not, I don't think it's (inaudible) if they were going to prove to you that there was agricultural use going on, once again, they should have put evidence on about it.

CHAIR: Okay. So, there are a number of ways to prove a point, okay? Some are better than others, that would be a terrific way to prove that point. But, you know, the SDAT records actually already in evidence, so, and you know, there was discussion about whether or not this was a tenant house, so, so, I'm going, I'm going --

MR. MCCANN: I'm not, I'm not opposed to this document (inaudible).

CHAIR: -- to overrule the objection.

MR. MCCANN: This, this document says what it says. That's not my, that's not my point, that's not my point, Mr. (inaudible).

CHAIR: Okay.

MR. MCCANN: My point is, is raising this and, and this is a rebuttal case now, so they didn't put any evidence of any agricultural use, i.e., now they're doing sort of in a backhanded way that really, sort of like the, there's another example of this hearing where there was, there's no evidence of it, but they're now, in rebuttal, suggesting that there is some evidence and we don't get a chance to respond to it. I can have folks come up, in fact, we discussed this very thing. Should we put on evidence --

CHAIR: Well, maybe, maybe you, you will have sur rebuttal.

MR. MCCANN: Okay.

CHAIR: But, I mean, --

MR. MCCANN: All right.

CHAIR: -- for these purposes, you know, I mean, it's in evidence, he, he could, he could --

MR. SCHMIDT: I tell you what, I'll withdraw the question.

CHAIR: Okay.

MR. SCHMIDT: It's already in evidence.

CHAIR: Okay.

MR. SCHMIDT: It says what it says. It's in evidence. I'll withdrawal --

BOARD: Which evidence? Petitioner's six?

MR. SCHMIDT: Yes.

BOARD: Okay.

MR. SCHMIDT: It's the SDAT printout, it shows how the tenant, what the State does.

BOARD: And, and which tab was it? Which tab was it?

MR. SCHMIDT: It's, it's the one for property designated as property two.

BOARD: Okay.

MR. SCHMIDT: For parcel --

BOARD: Tab two?

MR. SCHMIDT: Tab two and if you go down the top left hand corner, Ms. Murphy, it shows parcel 350, sort of, yeah.

BOARD: I see it, agricultural, right, uses.

MR. SCHMIDT: It says what it says.

BOARD: Understood.

MR. SCHMIDT: Okay. Mr. Wells, the other thing I wanted to ask you about is, I think there was testimony and Mr. Doak's testimony about parcel 606, which is the triangular piece here.

MR. WELLS: Correct.

MR. SCHMIDT: I think you testified on direct examination that it was your opinion, based on your review of the Land Records, that this was a separate lot of record and not part of parcel 305, 350?

MR. WELLS: That's correct.

MR. SCHMIDT: Is that correct?

MR. WELLS: That's correct.

MR. SCHMIDT: Let me ask you, I asked Mr. Doak, is there a definition of lot of record in the zoning regulations?

MR. WELLS: There is.

MR. SCHMIDT: Are you familiar with it?

MR. WELLS: I am.

MR. SCHMIDT: Is there a definition of lot of record in the Baltimore County Code?

MR. WELLS: Yes, there is.

MR. SCHMIDT: Are you familiar with that?

MR. WELLS: I am.

MR. SCHMIDT: Does it relate or mention lot of record

is determinative in some parts based on whether there is a description of the property in the Land Records?

MR. WELLS: Yes.

MR. SCHMIDT: Okay. Is this a separate, in your judgment, Mr. Wells, is parcel 606 a separate lot of record?

MR. WELLS: It is.

MR. SCHMIDT: Okay. Can you tell the Board why and rely on whatever Deeds or documents that you would like to reference?

MR. WELLS: And it was mentioned before, is that Mr. Doaks, in his testimony, kept referring to the forty-eight acres and let me, let me find that Deed. It is in the book for 350 and it's referred to --

BOARD: It was tab three, page four.

MR. WELLS: It's the, the Deed reference is 6057 879. This Deed was generated, or created in, on August the 1st of 1979, which in that Deed, and the, and the, and the Deed in its description, and you'll see that on page 882, I believe it is, that at the end of that first paragraph, it says, containing 48.6187 acres.

MR. SCHMIDT: Why don't you go back, who owned the property before Silcott, the 350 and 606?

MR. WELLS: It was a Gray, Gray is their last name, prior to that. Gray had originally from Shipley back in September 25th 1941, was, that property of 45.6 acres was

conveyed to Gray. And then Gray conveyed to Silcott and it's described in that Deed that I just referred to, 48.67. What Mr. Schmidt had referred Mr. Doak to was the next description, which is recorded in 6371 at 696. That was recorded back in 1981.

MR. SCHMIDT: So, that was shortly after the first Deed was recorded?

MR. WELLS: That's correct.

MR. SCHMIDT: Okay.

MR. WELLS: And if you go to page 698, and if you go to the second paragraph down, it says, through inadvertence, the parcel of land hereinafter, hereinafter firstly described, although included in the aforesaid mortgage of Milton Offit and the Deed of Noah Offit, Trustees, was omitted in the aforesaid Deed from Milton Offit to Ann Margaret and (inaudible) Yox and his, I can't quite read that word, conveyances down to the aforesaid conveyance to, I'll just use their last name, Gray. However, said parcel of land, as well as parcel of land con, con, included in the aforesaid Deed, the, the Gray to Silcott. And if you go to the next page, what they're trying to do is to say this is my interpretation. They're trying to say, there was forty-eight acres but --

MR. MCCANN: Objection. Objection as to what his interpretation of what they're trying to say.

CHAIR: Just give us your interpretation of the

document.

MR. WELLS: Okay.

MR. SCHMIDT: Just give us your opinion, Mr. Wells.

MR. WELLS: Yeah, the, what they were, this is a confirmatory Deed. They wanted to point out that there was, in actuality, in that forty-eight acres, there was two parcels. One was a parcel, a lot of record, which is 4.14 acres and parcel two, which is 0.12 acres. So, whoever con, whoever scribed the Deed and the Deed that I referred to earlier, mistakenly included these in, in there, in that description and this rectifies that, that error.

MR. SCHMIDT: Mr. Wells, let me ask you this. When Gray acquired parcel 350, was it a separate lot of record, 350?

MR. WELLS: Yes.

MR. SCHMIDT: Okay and they acquired that by Deed, did they not?

MR. WELLS: Yes, through Shipley.

MR. SCHMIDT: Through Shipley. Gray, is it, is it your testimony, Mr., Mr. Wells, that Gray subsequently acquired parcel 606 through an adverse possession action?

MR. WELLS: That's my belief, yes.

MR. SCHMIDT: Okay.

CHAIR: And why, and why is that your belief?

MR. WELLS: Well, it even states it in, in one of the other Deeds. If you don't mind, I need to sit down because I,

I have a little touch of sciatica so.

CHAIR: Sure, that's all right.

MR. WELLS: Bear with me here. It's, it's in the first instrument that I referred to, which is recorded in 6057 879 and if you go to page 882 and the sec, the first paragraph down from the top, it refers to a title of land that was, that was, that was actually, if you go to the mid, it, it's from Gray to, or for title of said (inaudible) Gray, that ultimately came from Shipley, it describes a portion of the above described parcel of land being (inaudible), actually, visibly, exclusively, continuously under claim of title possessed by said Jean B. Gray for a period of time in excess of twenty years. I believe that is a reference to parcel 606. And the, the subsequent Deed after that, was to rectify, making sure that it was understood that there was two parcels. One was a forty-five, let me make sure I get this accurate. There was a 45.6 acre parcel and then, now, mind you, I'm going, then it was the 4.1 acre. Now, when you deal with acreages out in the country, they all, it, it depends on what period of time it was surveyed. So, acreages, they can fluctuate actually substantially in some cases. But that to me is, was the intent here and, and the, like I said, the second, the second instrument that I referred to is, in my estimation, is a confirmatory Deed.

BOARD: So, did you put the Deed for September 25th,

1941 in here?

CHAIR: Yes, the first page.

MR. WELLS: Yes.

MR. SCHMIDT: It's the very first one, I believe, Ms. Murphy.

BOARD: Okay and how do you know the adverse possession phrase doesn't apply to parcel number two on 6371 699?

MR. WELLS: What's, what's parcel number two?

BOARD: The little small parcel, 0.120 acres.

MR. WELLS: Well, that, they included both descriptions.

BOARD: Okay.

MR. WELLS: Is, would be my answer to that.

BOARD: So, both descriptions in, under tab two?

MR. WELLS: Yes.

BOARD: Okay.

MR. SCHMIDT: Mr. Wells, anything else on that? I didn't mean to cut you short?

MR. WELLS: No.

MR. SCHMIDT: Okay. I don't have any further questions of Mr. Wells.

MR. MCCANN: I, I just have a follow-up. So, everything you just told us about your interpretation of the Deeds, your understanding, even to their, to the intent of the

Deeds, is all based on the Deeds themselves. So, we can read, we can all read, is that correct?

MR. WELLS: Yeah, absolutely, yeah.

MR. MCCANN: Okay. Your, you didn't talk to anybody else, you didn't talk to the parties involved in any of these conveyances, no?

MR. WELLS: No.

MR. MCCANN: Okay. So, we can all look at these Deeds and draw our own conclusions, correct?

MR. WELLS: Yeah, absolutely, sure.

MR. MCCANN: Okay. No other questions, thank you.

MS. DEMILIO: Mr. Wells, I have a question for you. Let me stand up. So, can I just approach just because I can't (inaudible)?

CHAIR: Sure, please.

MS. DEMILIO: Okay. I'll stand by Mr. Schmidt.

MR. SCHMIDT: She's trying to get me sick.

MR. WELLS: Really.

MR. SCHMIDT: I know I'm not supposed to say that. I say that tongue in cheek, I'm sorry, Ms. Demilio.

MS. DEMILIO: That's okay. Mr. Wells, so, is it possible to have an agricultural assessment under this SDAT, that we see on an SDAT form, even if you just lease out all your property to a farmer?

MR. SCHMIDT: Objection and I was specifically

objected that this was beyond, we didn't put any evidence in, I withdrew the question and now she's asking about the, the tax assessment record. It's in, it is what it is.

MR. MCCANN: But he put the document in. He put the document in.

CHAIR: Yeah, the document is in.

MR. SCHMIDT: But if, it goes beyond the scope of the direct examination of Mr. Wells. I didn't ask, I withdrew that question.

CHAIR: No, I know you did. I know you did.

MR. SCHMIDT: So, there's been no testimony in his --

CHAIR: But you withdrew it because it's already in the record and in the SDAT documents.

MR. SCHMIDT: Okay.

CHAIR: Right?

MR. SCHMIDT: Yes, sir.

CHAIR: I mean, isn't it, am I missing something?

MR. SCHMIDT: Okay. Yes, sir. I just think it's beyond the scope of what I asked him when he was called on rebuttal for re-direct, for, for further testimony. If she's going to go back and ask him what he said at 10:00, then, okay.

CHAIR: Well, we'll, we'll, we'll, we'll do a little bit of this and then move on. Okay?

MS. DEMILIO: Do you remember my question?

MR. WELLS: No.

MS. DEMILIO: Okay. Is it possible for the State or on SDAT to show an agricultural assessment, even if the homeowner leases out all of their land to another farmer, let's say a farmer that comes in and leases it and farms it?

MR. WELLS: I believe that's possible.

MS. DEMILIO: So, you don't, I were, if I were the owner, I wouldn't have to farm it myself, right?

MR. WELLS: That's correct, yes.

MS. DEMILIO: Okay. So, another, a farmer that lives twenty miles away could come to my land and, and farm the land?

MR. WELLS: That's correct.

MS. DEMILIO: Okay and you'd still get an agricultural assessment then, if you qualified otherwise?

MR. WELLS: I believe, yes.

MS. DEMILIO: Okay.

MR. WELLS: That's correct.

MS. DEMILIO: I have no other questions. Thank you.

MR. SCHMIDT: Nothing further and that would be the Petitioner's case on rebuttal.

CHAIR: Okay. Any questions? Okay, thank you, Mr. Wells.

MR. WELLS: Sure, um hm.

CHAIR: Anything further? Any --

MR. MCCANN: We do.

CHAIR: Okay.

MR. MCCANN: Since Mr. Schmidt opened the door, I just want to put on one witness about this agricultural use issue.

CHAIR: Okay.

MR. MCCANN: Real quick.

CHAIR: All right. And I take the blame for this, Mr. Schmidt.

MR. SCHMIDT: I just don't know, since I didn't put on any evidence and Mr. Wells, when I called him on rebuttal, how there can now be sur rebuttal on a point that I didn't raise.

CHAIR: I think what he's doing is he's reopening his case. I don't think this is authentic sur rebuttal, I think he's simply reopening his case.

MR. SCHMIDT: Okay. For the record, --

CHAIR: Which we're permitting in our discretion.

MR. SCHMIDT: That's fine. Then I, Mr. Evans, I defer to you, sir, absolutely. I understand.

BOARD: Can you raise your right hand? Do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. SUMMERHILL: I do.

BOARD: Please state your name, your business, your address for the record and please spell your last name.

MR. SUMMERHILL: Vance Summerhill, S-U-M-M-E-R-H-I-L-L. I live, may I, I live here.

CHAIR: Let's give, give your address.

MR. SUMMERHILL: 6120 Deer Park.

BOARD: And that's I believe is, is that number six on, on --

MR. SCHMIDT: It is, Mr. McComas, that's right. Yes, sir. Just to speed things up.

BOARD: (inaudible) I don't know what the exhibit number is.

MR. SCHMIDT: Yeah.

CHAIR: Right, it's Exhibit 6.

MR. MCCANN: Go ahead. You can take a seat, sir. I won't be long.

BOARD: Yeah, take a seat. Make sure the microphone is there (inaudible).

MR. MCCANN: It's Summerhill, right?

MR. SUMMERHILL: Yes.

MR. MCCANN: Mr. Summerhill, how long have you lived at that property?

MR. SUMMERHILL: I've lived there since, like '92. Before I lived there, I lived on Oakland Road since '68, other than a term in the Air Force, so.

MR. MCCANN: Where, where on Oakland Road?

MR. SUMMERHILL: 1633 Oakland.

MR. MCCANN: And where is that in relationship to these properties?

MR. SUMMERHILL: So, you see Oakland Road at the bottom, there, on the other side of that, where it says Oakland Road is a farm and that's where I grew up.

MR. MCCANN: Okay. So, when you, you're referring to Petitioner's Exhibit 1 at the bottom of which it says Oakland Road right there?

MR. SUMMERHILL: Correct.

MR. MCCANN: So, you lived across, this is prior to '93, right?

MR. SUMMERHILL: Yes.

MR. MCCANN: You lived across the street on parcel 559?

MR. SUMMERHILL: Yes.

MR. MCCANN: Okay, since '68?

MR. SUMMERHILL: Yeah, yeah.

MR. MCCANN: With one year --

MR. SUMMERHILL: Yeah, my, my term in the Air Force, yep.

MR. MCCANN: Okay.

MR. SUMMERHILL: Not one year.

MR. MCCANN: You were here for Mr. Doak's testimony when he spoke about what agricultural use means as far as the Count is concerned?

MR. SUMMERHILL: Um hm.

MR. MCCANN: Do you recall that?

MR. SUMMERHILL: Yes.

MR. MCCANN: In fact, I think, he, he acknowledged that it's, it can be, it can be broad?

MR. SUMMERHILL: Correct.

MR. MCCANN: It can include aqua culture and horse farming and some other things I can't recall that he mentioned.

MR. SUMMERHILL: Right.

MR. MCCANN: Given how long you've lived there, have you ever seen, personally observed, any such agricultural use on parcel, the parcel we've all been talking about today, 350, which is this purple shaded area on Petitioner's Exhibit 1?

MR. SUMMERHILL: So, when we were kids, so I'm going to say the seventies, right? They had a couple ponies and then, and after, I think, when I was in high school, you know, they got rid of them. At some point in time after that, they took the fences down. The tenant house in question, was constructed for Mr. Silcott's in-laws and they lived there.

MR. MCCANN: Okay. So, when, when were you in high school, just to pinpoint that period?

MR. SUMMERHILL: I graduated in '87, so eighty, '84 to '87, right?

MR. MCCANN: Okay and that's the last time you recall seeing any --

MR. SUMMERHILL: Any agric, certainly no planting, no, no, you know, crop rotation or anything like that. It was never, it wasn't that since Alan Parker farmed the land.

MR. MCCANN: Which was when?

MR. SUMMERHILL: Before, well, before '79. That was when I, and when Mrs. Gray owned it.

MR. MCCANN: Okay.

MR. SUMMERHILL: And Alan Parker farmed it, so that would have been when, when Ed bought it in '79, then he built a house and they, they built the barn and had a couple ponies and like that. But, --

MR. MCCANN: Okay. So, just --

MR. SUMMERHILL: -- they didn't farm it. They didn't farm the land, you know, as far as we would say, like we did, you tilled the land and made, you know, planted crops and fed cows, you know.

MR. MCCANN: You're, so you're a farmer?

MR. SUMMERHILL: I was, yeah.

MR. MCCANN: When you lived across Oakland Road?

MR. SUMMERHILL: Yes.

MR. MCCANN: Okay. So, just to summarize, prior to 1979, you do recall some farming going on on parcel 350?

MR. SUMMERHILL: Yes, yeah.

MR. MCCANN: And then, but after that, the only thing you recall observing at all were a couple ponies you said?

MR. SUMMERHILL: Correct.

MR. MCCANN: And those were removed some time when you were in high school, which was --

MR. SUMMERHILL: In the mid-eighties, yeah.

MR. MCCANN: Okay and since then, that is since the mid-1980's --

MR. SUMMERHILL: Correct.

MR. MCCANN: -- no agricultural use at all --

MR. SCHMIDT: Object. Just asked and answered. I mean, how many times is he (inaudible).

MR. SUMMERHILL: And that's fine. I mean, the barn, I know the, I know the barn, when, so when I, about the time that I got out of the Air Force, the Silcott kids were just getting started, getting married. They turned the barn into two apartments and they, the kids were living in there, you know, so that's, I mean, that's kind of chain, you know, chain of events there.

MR. MCCANN: Okay. Nothing else, thank you.

CHAIR: Mr. Schmidt?

MR. SCHMIDT: So, I think you said that the, quote, tenant house, was originally used by Mr. Silcott, actually, or Mr. and Mrs. Silcott actually as an in-law apartment? His parents or her parents lived there?

MR. SUMMERHILL: The Smiths, yeah.

MR. SCHMIDT: Okay. Do you know how long that

lasted?

MR. SUMMERHILL: Till they died.

MR. SCHMIDT: Do you know when they died?

MR. SUMMERHILL: I, I apologize, but I, I mean, I lived right there but I can't tell you, you know.

MR. SCHMIDT: Okay.

MR. SUMMERHILL: You know, what year they died, I.

MR. SCHMIDT: That's fine. Thank you, sir.

MR. MCCANN: Thank you.

CHAIR: Was that, was the so called tenant house or the in-law house, did the Silcotts build that?

MR. SUMMERHILL: Yes, yes.

CHAIR: Okay.

MR. SUMMERHILL: But, but it wasn't for like farm help.

CHAIR: No, I, no, I get that.

MR. SUMMERHILL: You know.

CHAIR: I get that, but.

MR. SUMMERHILL: Yeah.

CHAIR: I get that.

MR. MCCANN: Thank you. Nothing else.

MR. SCHMIDT: Thank you, sir.

CHAIR: Anything else, Mr. McCann?

MR. MCCANN: No, no, thank you.

CHAIR: Ms. Demilio?

MS. DEMILIO: Just to put in the sign in sheet if I can?

CHAIR: Yes, please do.

MS. DEMILIO: Mr. Schmidt (inaudible).

MR. SCHMIDT: Thank you.

CHAIR: This would be People's Counsel number two.

BOARD: Yes.

MS. DEMILIO: Thank you.

CHAIR: All right. So, as I think everyone has recognized, this is a memorandum case.

MR. SCHMIDT: Yes, sir, no question. At least in my opinion, yes, sir, no question.

CHAIR: Well, your opinion is worth a lot in these matters. So, how should we schedule that? Keeping in mind we have Thanksgiving.

MR. SCHMIDT: Yeah, Mr. Evans, if I can maybe suggest this. We have Thanksgiving and then obviously the Christmas holidays are coming up. I know my schedule is busy between now and then. I don't know about Ms. Demilio and Mr. McCann, maybe what we could do is look at our calendars and advise Ms. Cannington of a date that we'll submit memorandums, unless you need us to do that on the record here today. I mean, I think at least thirty days, in my, for me, but --

CHAIR: I thought you were leading up to early January.

MR. SCHMIDT: Yeah, but that, you know, then that's going to put us right as the holidays are starting. I don't know their schedule but maybe even the first week of January or something like that might, might be appropriate. But I'll, you know, I'll, certainly the input from counsel here would be.

CHAIR: Can you all agree on that?

MR. SCHMIDT: Yeah, what --

MS. DEMILIO: He's saying the first of January, (inaudible).

MR. SCHMIDT: I'm saying the first week.

MS. DEMILIO: I don't care.

CHAIR: Well, why don't we just do it that way then?

MS. DEMILIO: Yeah.

CHAIR: Does anyone have a calendar?

MS. DEMILIO: I do.

CHAIR: So, January 1 is a Tuesday.

MS. DEMILIO: Oh, gosh, well, we're not working that day.

CHAIR: January 4th, does that work for people? We'll work around three holidays.

MR. MCCANN: That's not a, I have, (inaudible) Court of Special Appeals argument (inaudible) which is fine, I can work around that. But I also have a trial starting at 1:30 in the District Court. So, could we make it either the 3rd or the Monday, following Monday?

CHAIR: We'll make it the following Monday, that would be the --

MR. MCCANN: Okay.

MR. SCHMIDT: Seventh?

CHAIR: -- 7th, is that good? Will that work for everyone?

MR. SCHMIDT: That's fine. That's fine.

MR. MCCANN: Okay. Can we also agree while we're on the record and being nice, everybody agree to split the cost of the transcripts if the Board can --

CHAIR: Well, you can talk about that off the record.

MR. MCCANN: Okay.

BOARD: This exhibit, which is the plat recorded, what, what exhibit was it? Because we already have this as Petitioner's. And I didn't, we didn't mark this, no one marked it.

MR. SCHMIDT: Oh, I, I think --

BOARD: We already have five as the minor sub.

MR. SCHMIDT: Can I approach?

BOARD: Yes.

MR. SCHMIDT: I think what happened is, Mr. McCann put this on the board but it, but it was actually already in evidence.

BOARD: Well, we have this five, but without the recordation numbers.

VOICE: I, I put it on because they were talking about when he submitted the plat.

MR. MCCANN: No, I had it marked, I had it marked.

CHAIR: Let's go off the record here.

BOARD: Well, you had --

(OFF THE RECORD - 03:01:06 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of El Paso Colby, Inc., case number 18-155-SPH, heard before the Board of Appeals of Baltimore County, November 8, 2018 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 188 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 30th day of November, 2018.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
DEC 10 2018
BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 14, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RECEIVED
MAR 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0155-SPH
Property: 6136 Deer Park Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 12, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

I would greatly appreciate if Ms. Conley would forward a copy of this Appeal to her neighbors also in attendance at the hearing.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c:
Baltimore County Board of Appeals
People's Counsel
Rebecca Conley, 6232 Deer Park Road, Reisterstown, Maryland 21136

APPEAL

Petition for Special Hearing
(6136 Deer Park Road)
2nd Election District – 4th Councilmanic District
Legal Owner: El Paso Colby, Inc.
Case No. 2018-0155-SPH

Petition for Variance Hearing (December 7, 2017)

Zoning Description of Property

Certificate of Posting –January 1, 2018 (Linda O'Keefe)

Newspaper Advertisement – January 4, 2018 - Jeffersonian

Notice of Zoning Hearing – December 19, 2017

People's Counsel Entry of Appearance – December 11, 2017

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 2 Sheets

Petitioner(s) Exhibits –

1. Site Plan
2. 2A-2C SDAT records
3. Minor Sub Plan- Silcott Property
4. Parcel 258 Deeds
5. Parcel 350 Deeds
6. 6A-6F My Neighborhood Aerial Photos

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED – February 9, 2018)

Motion for Reconsideration filed by Lawrence E. Schmidt, Esq. (February 20, 2018)

Administrative Law Judge Order and Letter on Motion for Reconsideration (DENIED-March 2, 2018)

Notice of Appeal & Receipt – March 12, 2018- Lawrence E. Schmidt, Esq.

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6136 Deer Park Road **which is presently zoned** R.C. 4

Deed References: 35551/429 10 Digit Tax Account # 1900007120 & 0207580370

Property Owner(s) Printed Name(s) El Paso Colby, Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ✓ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ____ **a Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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.
Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 2/9/18
By JSH

Legal Owners (Petitioners): Authorized Representative of

Luis Lara / El Paso Colby, Inc.
Name #1 – Type or Print Name #2 – Type or Print

Luis Lara /
Signature #1 Signature # 2

12120 Esther Lama Dr. Suite 100 El Paso TX
Mailing Address City State

79936 / / tpicazarri@aiig.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

CASE NUMBER 2018-0155-SPH **Filing Date** 12/7/17 **Do Not Schedule Dates:** ____ **Reviewer** JS

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING

6136 Deer Park Road
Parcel 258 (Tax Account No. 1900007120)
Parcel 350 (Tax Account No. 0207580370)
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To confirm/ establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2018-0155-SPH

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6136 Deer Park Road **which is presently zoned** R.C. 4

Deed References: 35551/429 10 Digit Tax Account # 1900007120 & 0207580370

Property Owner(s) Printed Name(s) El Paso Colby, Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ✓ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ____ **a Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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.
Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

ORDER RECEIVED FOR FILING
Date 2/9/18
By AD

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

Legal Owners (Petitioners): Authorized Representative of

Luis Lara / El Paso Colby, Inc.

Name #1 – Type or Print / Name #2 – Type or Print

Luis Lara /

Signature #1 / Signature # 2

12120 Esther Lama Dr. Suite 100 El Paso TX

Mailing Address City State

79936 / / tpicazarri@aiig.com

Zip Code / Telephone # / Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code / Telephone # / Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code / Telephone # / Email Address

CASE NUMBER 2018-0155-SPH **Filing Date** 12/7/17 **Do Not Schedule Dates:** ____ **Reviewer** JS

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING

6136 Deer Park Road
Parcel 258 (Tax Account No. 1900007120)
Parcel 350 (Tax Account No. 0207580370)
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To confirm/ establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership, and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2018-0155-SPH

kjWellsInc
Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

November 21, 2017

Zoning Description
Tax Map 57 Parcel 258

Beginning at a point in the approximate centerline of Deer Park Road; thence Easterly along the centerline of Deer Park Road 40 feet; thence leaving Deer Park Road South 21 degrees 07 minutes East approximately 420 feet to the point of beginning; thence the following courses and distances:

1) South 21 degrees 0 minutes 0 seconds East 1167.50 feet;
2) South 19 degrees 10 minutes 0 seconds West 813.20 feet;
3) North 83 degrees 06 minutes 0 seconds West 938.83 feet;
4) North 52 degrees 26 minutes 30 seconds West 124.10 feet;
5) North 16 degrees 14 minutes 42 seconds East 706.70 feet;
6) North 81 degrees 26 minutes 24 seconds East 220.00 feet;
7) North 28 degrees 25 minutes 30 seconds East 679.54 feet;
8) North 24 degrees 21 minutes 28 seconds West 195.38 feet;
9) North 50 degrees 10 minutes 00 seconds East 283.50 feet

to the place of beginning. Containing 1,332,718 square feet or 30.595 acres more or less. Being the remaining portion of land of Parcel 2 recorded in Liber 35551 folio 429.

2018-0155-SPH

Zoning Description
Tax Map 57 Parcel 350

Beginning at a point in the approximate centerline of Deer Park Road; thence Easterly along the centerline of Deer Park Road 580 feet to the point of beginning; thence the following courses and distances:

1) South 71 degrees 55 minutes 40 seconds East 141.08 feet;
2) South 66 degrees 26 minutes 05 seconds East 107.43 feet;
3) South 71 degrees 00 minutes 55 seconds East 143.61 feet;
4) South 74 degrees 39 minutes 11 seconds East 52.50 feet:
5) South 23 degrees 21 minutes34 seconds West 108.63 feet;
6) South 66 degrees 47 minutes54 seconds East 103.05 feet;
7) South 19 degrees 54 minutes 43seconds West 433.95 feet;
8) South 19 degrees 04 minutes 03 seconds West 231.65 feet;
9) South 24 degrees 06 minutes 03 seconds West 546.04 feet;
10) North 86 degrees 14 minutes 57 seconds West 250.80 feet;
11) North 19 degrees 10 minutes 00 seconds East 56.95 feet:
12) Line curving to the left having a radius of 100 feet and length of 112.18 feet;
13) South 86 degrees 18 minutes 25 seconds East 57.52 feet;
14) South 82 degrees 30 minutes 27 seconds East 83.92 feet:
15) South 85 degrees 38 minutes 47 seconds East 39.64 feet:
16) North 24 degrees 18 minutes 24 seconds East 113.26 feet;
17) North 37 degrees 45 minutes 13 seconds West 287.34 feet;
18) North 19 degrees 10 minutes 00 seconds West 406.60 feet;
19) North 21 degrees 10 minutes 00 seconds West 379.34 feet;
20) North 71 degrees 17 minutes 15 seconds East 17.31 feet;
21) North 16 degrees 06 minutes 57 seconds East 323.37 feet;
22) North 72 degrees 52 minutes 04 seconds East 5.77 feet;
23) North 15 degrees 52 minutes 04 seconds East 10.73 feet

to the place of beginning. Containing 1,719,662 square feet or 39.478 acres more or less. Being the remaining portion of land of Parcel 1 recorded in Liber 35551 folio 429.



2018-0155-SPH

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

No 161156

Date: 12/7/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$150.00

Total: $150.00

Rec From: EL PASO COUNTY, INC

For: 2018-0155-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/08/2017	12/07/2017	13:39:34	2

REG M302 WALKIN JEE
>>RECEIPT # 037706 12/07/2017 OFLN
Dept: 5 529 ZONING VERIFICATION
CR NO. 161156
Recpt Tot $150.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASE NO. 2018-0155-SPH

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
1/8	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	no comment
12/17	DEPS (if not received, date e-mail sent _____)	no comment
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
12/11	STATE HIGHWAY ADMINISTRATION	no objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/4/18

SIGN POSTING Date: 1/1/18 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: **District** - 02 **Account Number** - 0207580370

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	6136 DEER PARK RD 0-0000	**Legal Description:**	34.944 AC SS DEER PARK RD 1320 FT W OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0350		0000				2016	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	11,409 SF	1008 SF	34.9400 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	7 full/ 3 half	2Att/2Det	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	456,500	456,500		
Improvements	1,623,900	1,307,000		
Total:	2,080,400	1,763,500	1,763,500	1,763,500
Preferential Land:	7,700			7,700

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35551/ 00429	**Deed2:**
Seller: SILCOTT EDWARD A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:	**Special Tax Recapture:**
Exempt Class:	AGRICULTURAL TRANSFER TAX

Homestead Application Information

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: District - 02 Account Number - 2300010556

Owner Information

Owner Name:	SILCOTT THOMAS SILCOTT JENNIFER	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1710 OAKLAND RD REISTERSTOWN MD 21136-5945	**Deed Reference:**	/15026/ 00212

Location & Structure Information

Premises Address:	1710 OAKLAND RD 0-0000	**Legal Description:**	5.1919 AC 1710 OAKLAND RD NSR 3200 FT SW DEER PARK RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0057	0013	0598		0000			1	2016	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2002	3,755 SF		5.1900 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	105,700	119,800		
Improvements	307,300	396,000		
Total:	413,000	515,800	481,533	515,800
Preferential Land:	0			0

Transfer Information

Seller: SILCOTT EDWARD N/JANICE L	**Date:** 03/08/2001	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /15026/ 00212	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 12/04/2012

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District -** 02 **Account Number -** 0207580370

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	6136 DEER PARK RD 0-0000	**Legal Description:**	34.944 AC SS DEER PARK RD 1320 FT W OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0350		0000				2016	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	11,409 SF	1008 SF	34.9400 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	7 full/ 3 half	2Att/2Det	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	456,500	456,500		
Improvements	1,623,900	1,307,000		
Total:	2,080,400	1,763,500	1,763,500	1,763,500
Preferential Land:	7,700			7,700

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35551/ 00429	**Deed2:**
Seller: SILCOTT EDWARD A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District** - 02 **Account Number** - 2200014842

Owner Information

Owner Name:	CRAIG WILLIAM J CRAIG AMY L	**Use:** **Principal Residence:**	AGRICULTURAL YES
Mailing Address:	1724 OAKLAND AVE REISTERSTOWN MD 21136-5945	**Deed Reference:**	/11935/ 00161

Location & Structure Information

Premises Address:	1724 OAKLAND AVE 0-0000	**Legal Description:**	11.465 AC 1724 OAKLAND AVE 3300 SW DEER PARK RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0559		0000				2016	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1993	2,896 SF		11.4600 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2 1/2	NO	STANDARD UNIT	SIDING	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	116,400	116,400		
Improvements	233,500	259,000		
Total:	349,900	375,400	366,900	375,400
Preferential Land:	3,900			3,900

Transfer Information

Seller: SILCOTT STEPHEN N	**Date:** 12/11/1996	**Price:** $212,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /11935/ 00161	**Deed2:**
Seller: SILCOTT EDWARD N	**Date:** 02/16/1993	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /09603/ 00721	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: AGRICULTURAL TRANSFER TAX

Homestead Application Information

1-25-18

Duplicate

RECEIVED
DEC 12 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: December 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0155-SPH
Address: 6136 Deer Park Road
(El Paso Colby, Inc. Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 4, 2018 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0155-SPH
6136 Deer Park Road
500 ft. SE of the intersection of Deer Park Road and Ivy Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Authorized Rep. of Luis Lara, El Paso Colby, Inc.

Special Hearing 1. To confirm/establish rights of subdivisions (density) for existing Parcel 258 and Parcel 350, which are under common ownership and to confirm/ratify previous property conveyances from Parcel 258 and Parcel 350; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, January 25, 2018 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 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.

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 02 Account Number -** 0207580370

Owner Information

Owner Name:	EL PASO COLBY INC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	S-100 12120 ESTHER LAMA DR EL PASO TX 79936-	**Deed Reference:**	/35551/ 00429

Location & Structure Information

Premises Address:	6136 DEER PARK RD 0-0000	**Legal Description:**	34.944 AC SS DEER PARK RD 1320 FT W OAKLAND RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0057	0013	0350		0000				2016	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	11,409 SF	1008 SF	34.9400 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	7 full/ 3 half	2Att/2Det	

Value Information

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Land:	456,500	456,500		
Improvements	1,623,900	1,307,000		
Total:	2,080,400	1,763,500	1,763,500	1,763,500
Preferential Land:	7,700			7,700

Transfer Information

Seller: SILCOTT EDWARD N	**Date:** 11/12/2014	**Price:** $2,400,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35551/ 00429	**Deed2:**
Seller: SILCOTT EDWARD A G USE 83-84	**Date:** 02/16/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06371/ 00707	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:	**Special Tax Recapture:**
Exempt Class:	AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0155-SPH

Property Address: 6136 Deer Park Road

Property Description: _____

_____

Legal Owners (Petitioners): El Paso Colby, Inc.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

_____

Telephone Number: 410-821-0070

Revised 7/9/2015

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-155

INFORMATION:
Property Address: 6136 Deer Park Road
Petitioner: Luis Lara, El Paso Colby, Inc.
Zoning: RC 4
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should confirm/establish rights of subdivisions (density) for existing parcel 258 and parcel 350, which are under common ownership, and to confirm/ratify the previous property conveyances from parcel 258 and parcel 350.

A site visit was conducted on January 2, 2018. The subject parcels are mapped Growth Tier IV on the Baltimore County Growth Tier Map. No dwellings currently exist on Parcel 258. Parcel 350 was approved for a minor subdivision on September 18, 2000 for 2 lots. Currently there are two existing dwellings on Lot 2, 6136 Deer Park Road and 6140 Deer Park Road.

The Department will concur with the determination of the Administrative Law Judge subsequent to a public hearing.

For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

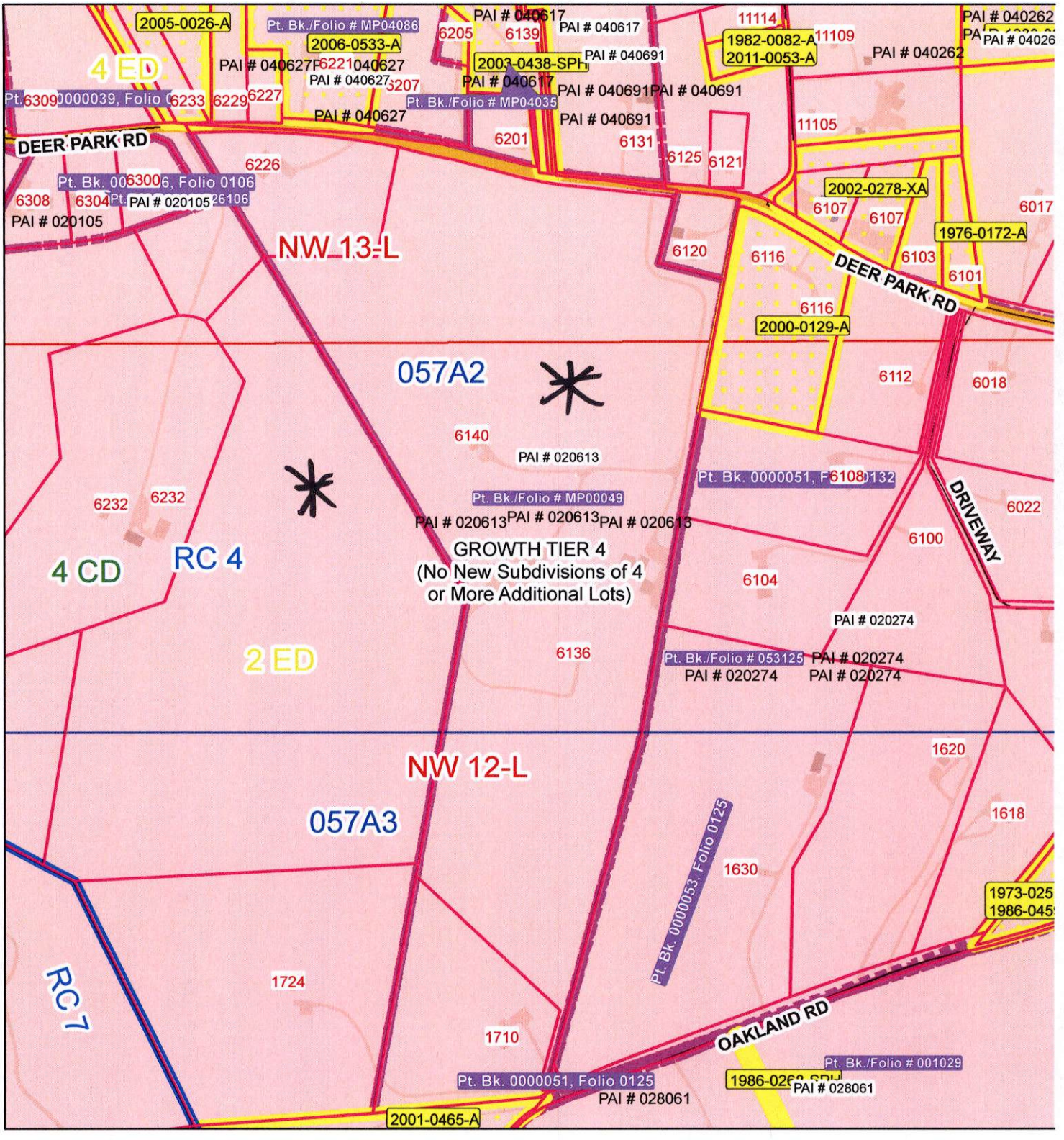
Prepared by:
Lloyd T. Moxley

Deputy Director:
Jeff Mayhew

AVA/KS/LTM/ka

c: Keeve Brine
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

6136 Deer Park Road



Publication Date: 12/1/2017

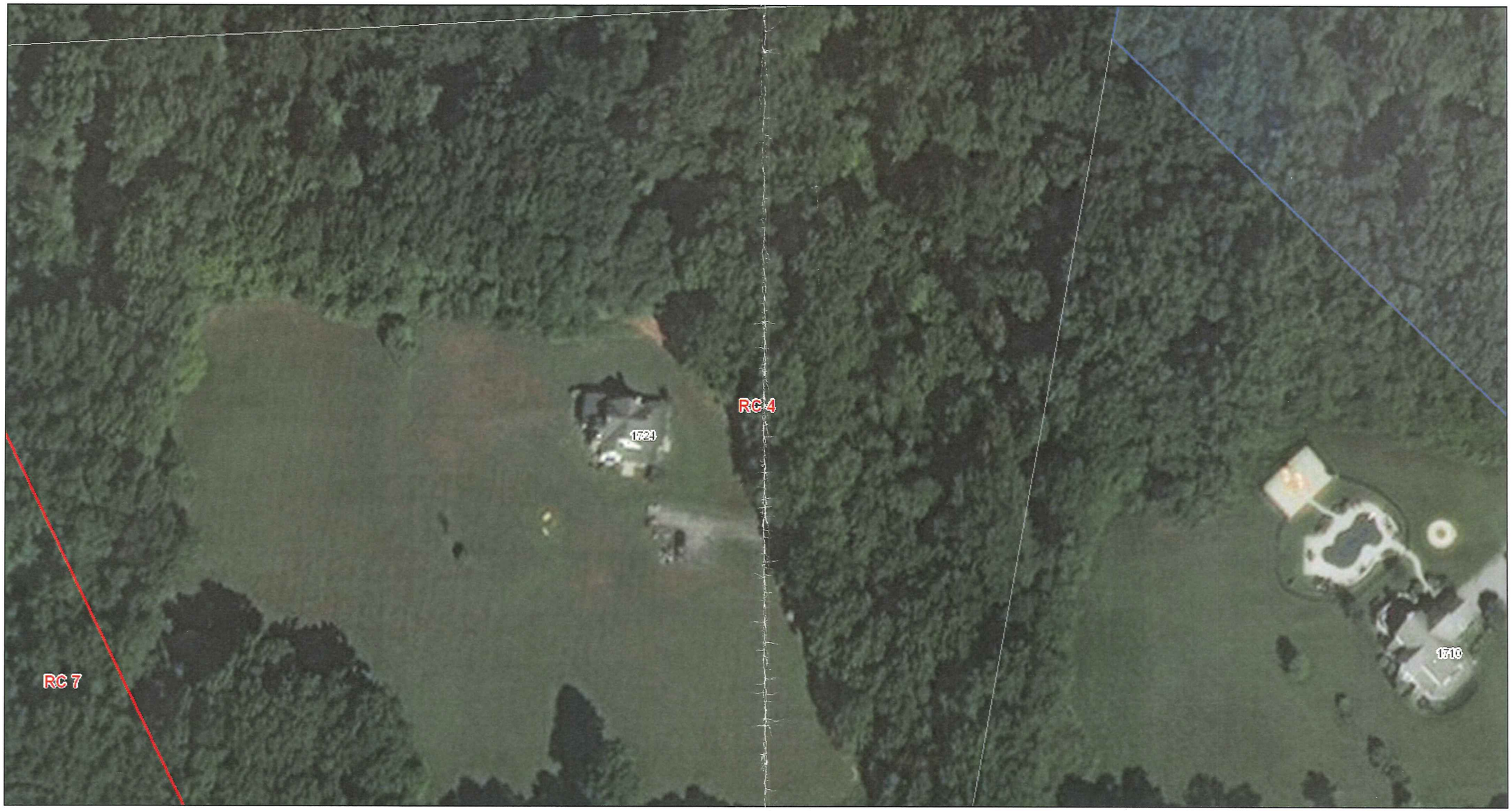
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N W E S

0 112.5 225 450 675 900 Fe

1 inch = 400 feet

Baltimore County - My Neighborhood



January 25, 2018

- House Numbers
- Zoning
- Property
- County Boundary

1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Pet 6A

Baltimore County GIS - Web Application
Commonwealth of Virginia, Microsoft |

Baltimore County - My Neighborhood



January 25, 2018

- House Numbers
- Zoning
- Property
- County Boundary

1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County GIS - Web Application
Commonwealth of Virginia, Microsoft |

Pet
6 13

598
B59

Baltimore County - My Neighborhood



Pet 6 C

January 25, 2018

- House Numbers
- Zoning
- Property
- County Boundary

1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County GIS - Web Application
Commonwealth of Virginia, Microsoft |

Baltimore County - My Neighborhood



January 25, 2018

- House Numbers
- Zoning
- Property
- County Boundary

1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

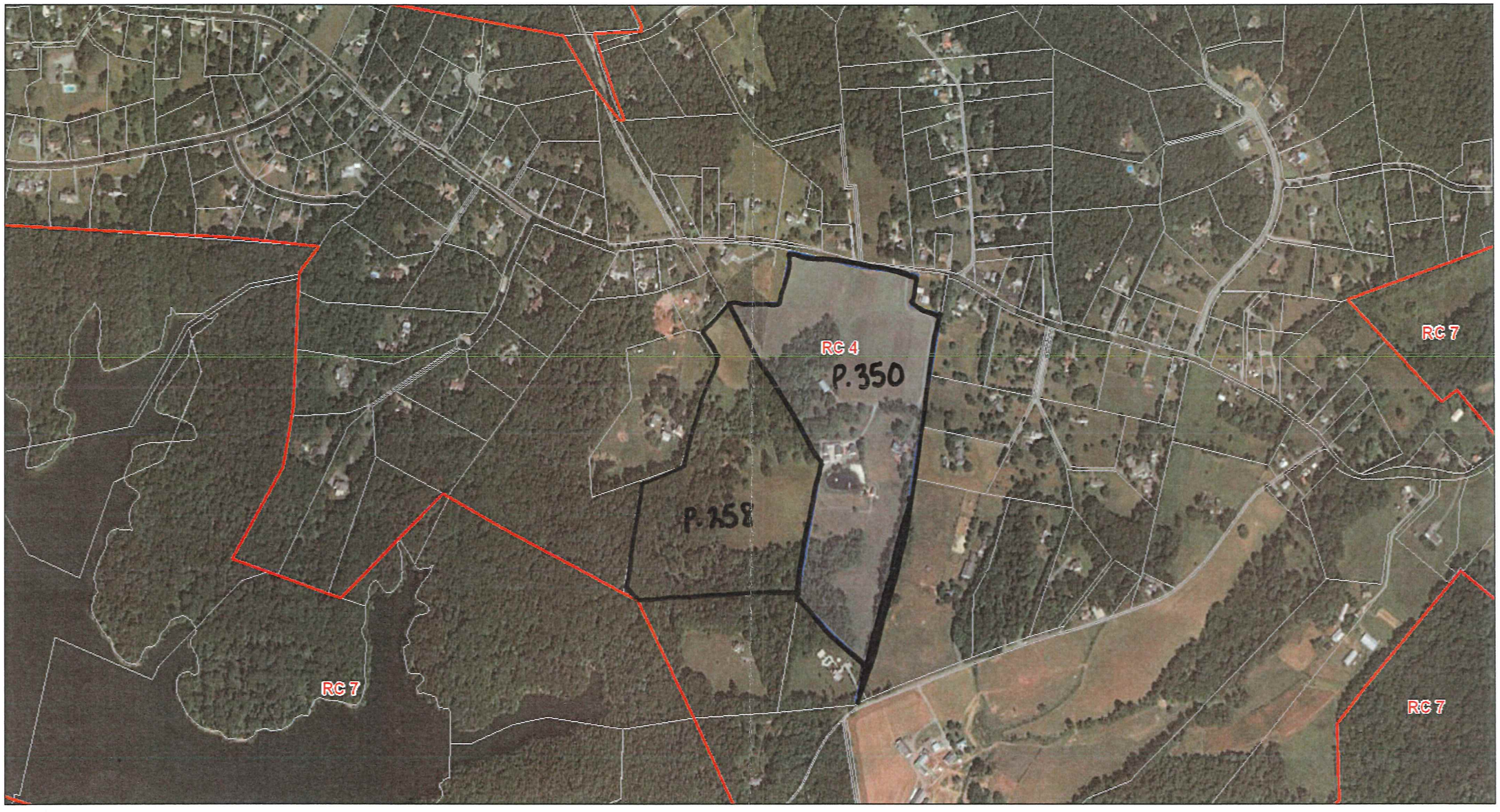
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County GIS - Web Application
Commonwealth of Virginia, Microsoft |

Pet 6D

350

Baltimore County - My Neighborhood



Lot 6 Ex.

January 25, 2018

- Zoning
- Property
- County Boundary

1:9,028

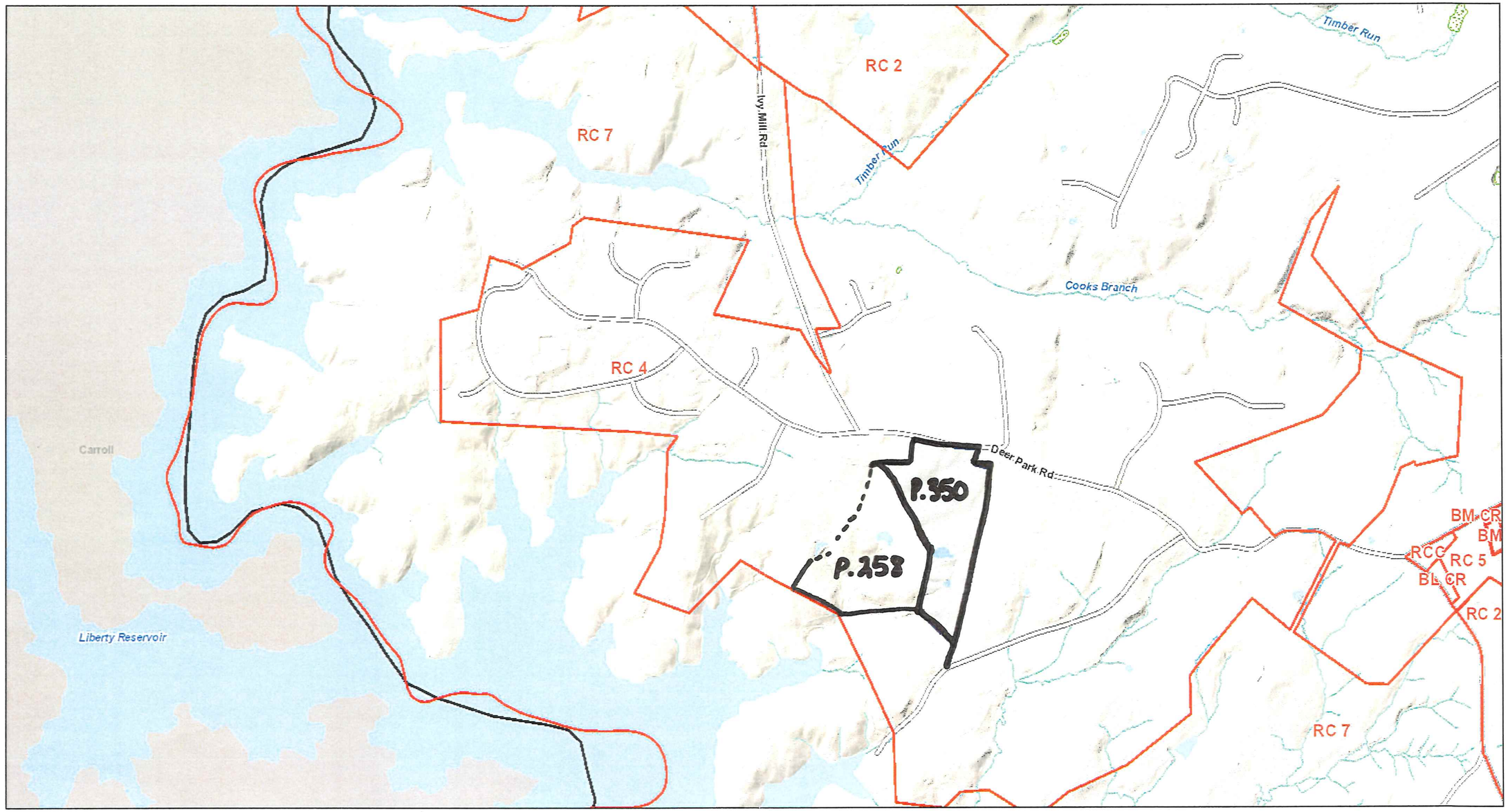
0 0.1 0.2 0.4 mi

0 0.175 0.35 0.7 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County GIS - Web Application
Microsoft |

Baltimore County - My Neighborhood



January 25, 2018

Zoning

County Boundary

1:18,056

0 0.225 0.45 0.9 mi

0 0.35 0.7 1.4 km

Baltimore County GIS - Web Application

DEVOLUTION OF TITLE P. 258

PRATT - WM H SMITH COMPANY, INC
AUGUST 31, 1955
2769/491
83.89 ACRES±
PARCELS 101, 256, 286, 321 AND 559

WM H SMITH COMPANY, INC - KIRBY
SEPTEMBER 6, 1962
3412/467
10.1726 ACRES±
FIRST P/O PARCEL 286

PLAT OF ALVERMAR SECTION 1
OCTOBER 21, 1959
RECORDED IN PLAT BOOK 26/106
3.75 ACRES ±
PARCEL 321

WM H SMITH COMPANY, INC - THE GREY DAWN DEVELOPMENT COMPANY, INC
JUNE 13, 1961
3054/118
83.89 ACRES±
SAVE AND EXCEPT PARCELS P/O 286 (10.173 ACRES) AND 321 (3.75 ACRES ±)
REMAINING 69.967 ACRES ± OF PARCEL 101

THE GREY DAWN DEVELOPMENT COMPANY, INC - KIRBY
SEPTEMBER 20, 1963
4772/253
2.348 ACRES±
SECOND P/O PARCEL 286
PARCEL 286 TOTAL 12.521 ACRES ±
REMAINING 67.619 ACRES ± OF PARCEL 101

HETTLEMAN (ASSIGNEE FOR THE GREY DAWN DEVELOPMENT COMPANY, INC) - PRUDENTIAL SAVINGS AND LOAN, INC
APRIL 23, 1968
5010/021
83.89 ACRES±
SAVE AND EXCEPT PARCELS 286 (TOTAL 12.521 ACRES ±) AND 321 (3.75 ACRES ±)
REMAINING 67.619 ACRES ± OF PARCEL 101

PRUDENTIAL SAVINGS AND LOAN, INC - OLETSKY, SELKO AND FALK
APRIL 23, 1968
5010-024
SAME AS CONVEYED IN 5010/021
67.619 ACRES ±
PARCEL 101

SELKO - KAUS
JANUARY 30, 1974
5428/757
SAME AS CONVEYED IN 5010/024
67.619 ACRES ±
PARCEL 101

KAUS AND FALK - BEARMAN AND SHAPIRO
APRIL 17, 1980
6160/536
67.619 ACRES ±
PARCEL 101

SHAPIRO, BEARMAN AND OLETSKY - E SILCOTT
7/9/1982
6371/702
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E SILCOTT - E & J SILCOTT
PARCEL 3 OF 6371/707
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E & J SILCOTT - S SILCOTT
9603/721
JANUARY 29, 1993
11.465 ACRES ±
PARCEL 559
REMAINING 30.595 ACRES ± OF PARCEL 256

NOTES:

PARCEL 256 AS SHADED IN TEAL REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY, INC.
PARCEL 350 AS SHADED IN PURPLE REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY INC.

SPECIAL HEARING REQUEST:

1. TO CONFIRM/ ESTABLISH RIGHTS OF SUBDIVISIONS (DENSITY) FOR EXISTING PARCEL 258 AND PARCEL 350, WHICH ARE UNDER COMMON OWNERSHIP, AND TO CONFIRM/RATIFY PREVIOUS PROPERTY CONVEYANCES FROM PARCEL 258 AND PARCEL 350; AND

2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SITE DATA:

1) OWNER: EL PASO COLBY, INC.
2) OWNERS ADDRESS: S-102 12120 ESTHER LAMA DR EL PASO, TEXAS 79936
3) DEED REFERENCE: 3555/429
4) TAX ACCOUNT NOS.: PARCEL 258 1800007120 PARCEL 350 0207580370
5) ELECTION DISTRICT: 2ND
6) COUNCILMANIC DISTRICT: 4TH
7) NOT HISTORIC
8) NOT IN CBCA
9) UNKNOWN FLOODPLAIN
10) PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM
11) PRIOR HEARING: NONE
12) ZONING MAP: 057A2



DEVOLUTION OF TITLE P. 350

SHIPLEY - GRAY
SEPTEMBER 25, 1941
1166/491
45.60 ACRES±
SAVE AND EXCEPT 9077401 PARCEL 340 (1.05 ACRES)
REMAINING PARCEL 350 44.55 ACRES ±

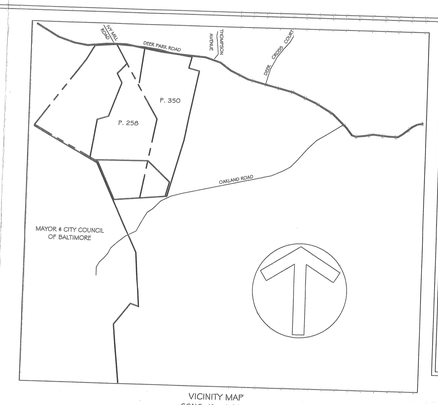
GRAY - SILCOTT
AUGUST 1, 1979
6057/679
46.619 ACRES±
INCLUDED PARCEL 606 VIA ADVERSE POSSESSION 44.55 ACRES + 4.41 ACRES
PARCELS 606 AND 350

OFFUTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/626 (CONFIRMATORY)
4.414 ACRES ± PARCEL 606
0.12 ACRES ± TO PARCEL 350 TOTAL = 44.67 ACRES ±

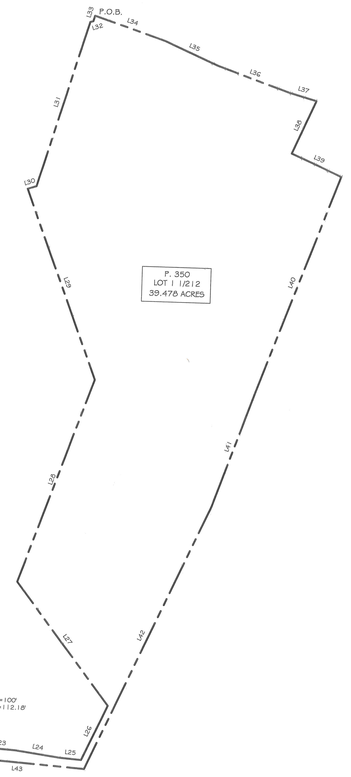
E SILCOTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/707
48.739 ACRES ±
PARCEL 606 (4.414 ACRES) AND 350 (44.67 ACRES)

MINOR SUBDIVISION BY SNYDER
OCTOBER 16, 2000
PROJECT NO. 00-049M
PLAT BOOK 1/212
PARCELS 350 AND 606 (REPRESENTED AS PARCEL 350)
CREATES PARCEL 595 5.192 ACRES ± (LOT 1)
REMAINING AREA PARCEL 350 39.476 ACRES ± (LOT 2)
LOT 2 SHOWS 43.607 ACRES ON SUBDIVISION PLAN WHICH INCLUDES PARCEL 606

E & J SILCOTT - S. SILCOTT
2126/347
OCTOBER 11, 2004
4.414 ACRES ±
PARCEL 606



VICINITY MAP
SCALE: 1" = 1,000



LINE TABLE

LINE	BEARING	LENGTH
L23	S56°18'25"E	57.52
L24	S68°30'27"E	83.92
L25	S85°36'47"E	39.64
L26	N24°18'24"E	113.26
L27	N37°45'13"W	287.34
L28	N19°10'00"W	406.60
L29	N21°10'00"W	379.34
L30	N7°11'15"E	17.31
L31	N16°05'?"E	323.37
L32	N72°52'04"E	5.77
L33	N15°52'04"E	10.73
L34	S71°59'40"E	141.08
L35	S62°26'05"E	107.43
L36	S71°10'55"E	143.61
L37	S74°39'11"E	52.50
L38	S23°21'34"W	108.63
L39	S62°47'54"E	108.05
L40	S19°54'48"W	433.95
L41	S19°04'03"W	231.62
L42	S24°06'03"W	346.04
L43	N80°14'57"W	250.60
L44	N19°10'00"W	56.95

GRAPHIC SCALE

100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8600
Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019

NORTH

REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING
EL PASO COLBY, INC. PROPERTY
PARCELS 258 AND 350
DEER PARK ROAD
BALTIMORE COUNTY
MARYLAND
2ND ELECTION DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 11/20/2017
PROJECT NO.: 2017-032
SHEET 1 OF 1

DEVOLUTION OF TITLE P. 258

PRATT - WM H SMITH COMPANY, INC
AUGUST 31, 1955
2769/491
83.69 ACRES ±
PARCELS 101, 256, 286, 321 AND 559

WM H SMITH COMPANY, INC - KIRBY
SEPTEMBER 6, 1962
3412/467
10.1726 ACRES ±
FIRST P/O PARCEL 286

PLAT OF ALVERMAR SECTION 1
OCTOBER 21, 1959
RECORDED IN PLAT BOOK 26/106
3.75 ACRES ±
PARCEL 321

WM H SMITH COMPANY, INC - THE GREY DAWN DEVELOPMENT COMPANY, INC
JUNE 13, 1961
585/119
83.89 ACRES ±
SAVE AND EXCEPT PARCELS P/O 286 (10.173 ACRES) AND 321 (3.75 ACRES ±)
REMAINING 69.967 ACRES ± OF PARCEL 101

THE GREY DAWN DEVELOPMENT COMPANY, INC - KIRBY
SEPTEMBER 20, 1963
4772/253
2.348 ACRES ±
SECOND P/O PARCEL 286
PARCEL 286 TOTAL 12.521 ACRES ±
REMAINING 67.619 ACRES ± OF PARCEL 101

HETTLEMAN (ASSIGNEE FOR THE GREY DAWN DEVELOPMENT COMPANY, INC) - PRUDENTIAL SAVINGS AND LOAN, INC
APRIL 23, 1968
5010/021
83.89 ACRES ±
SAVE AND EXCEPT PARCELS 286 (TOTAL 12.521 ACRES ±) AND 321 (3.75 ACRES ±)
REMAINING 67.619 ACRES ± OF PARCEL 101

PRUDENTIAL SAVINGS AND LOAN, INC - OLETSKY, SELKO AND FAUX
APRIL 23, 1968
5010/024
SAME AS CONVEYED IN 5010/021
67.619 ACRES ±
PARCEL 101

SELKO - KAUS
JANUARY 30, 1974
5428/757
SAME AS CONVEYED IN 5010/024
67.619 ACRES ±
PARCEL 101

KAUS AND FAUX - BEARMAN AND SHAPIRO
APRIL 17, 1980
6160/536
67.619 ACRES ±
PARCEL 101

SHAPIRO, BEARMAN AND OLETSKY - E SILCOTT
7/1/1982
6371/702
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E SILCOTT - E & J SILCOTT
PARCEL 3 OF 6371/707
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E & J SILCOTT - S SILCOTT
9603/721
JANUARY 29, 1993
11.465 ACRES ±
PARCEL 559
REMAINING 30.595 ACRES ± OF PARCEL 256

NOTES:

PARCEL 256 AS SHADED IN TEAL REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY, INC.
PARCEL 350 AS SHADED IN PURPLE REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY INC.

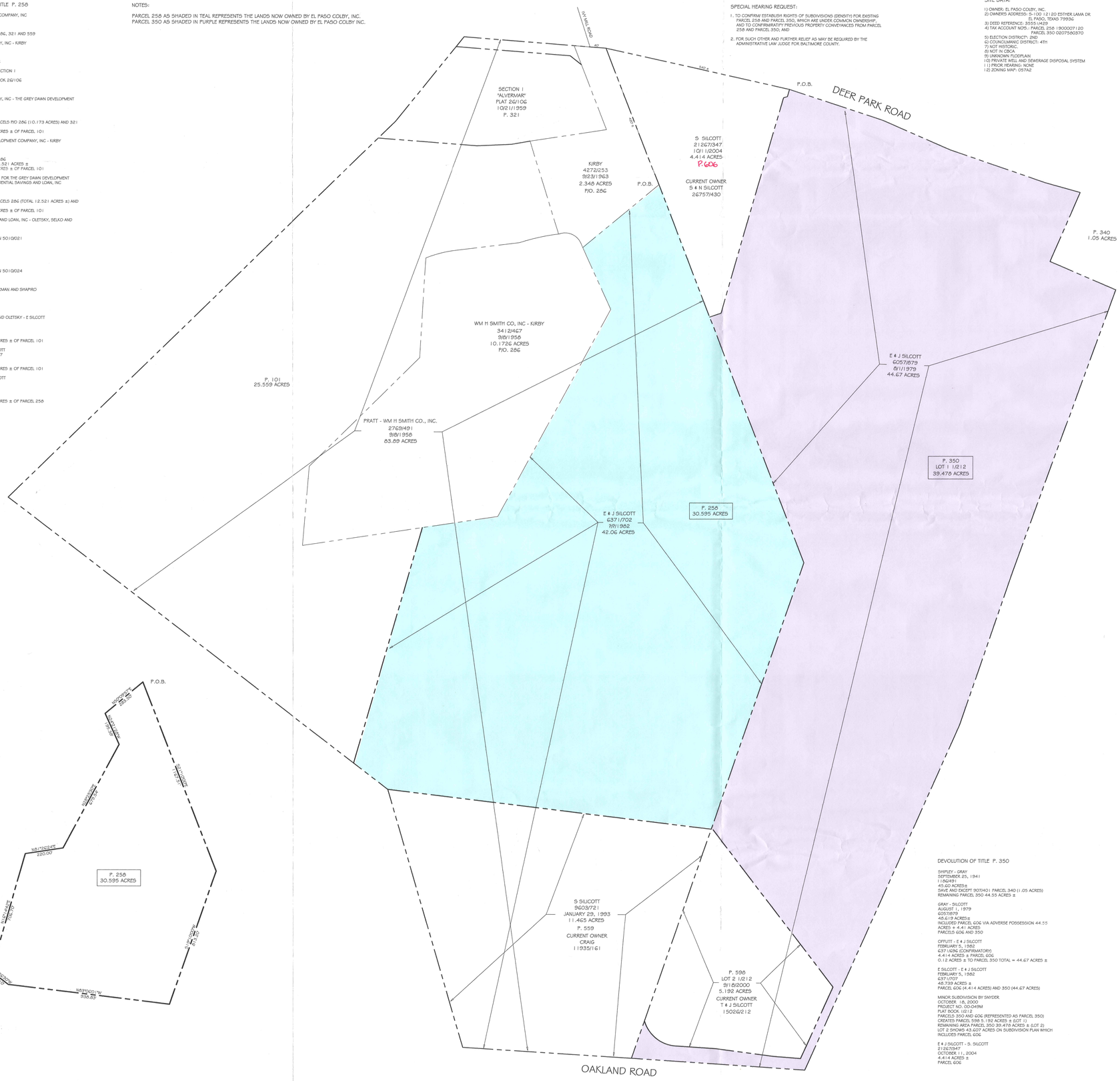
SPECIAL HEARING REQUEST:

1. TO CONFIRM/ ESTABLISH RIGHTS OF SUBDIVISIONS (DENSITY) FOR EXISTING PARCEL 258 AND PARCEL 350, WHICH ARE UNDER COMMON OWNERSHIP, AND TO CONFIRM/RATIFY PREVIOUS PROPERTY CONVEYANCES FROM PARCEL 258 AND PARCEL 350, AND

2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SITE DATA:

1) OWNER: EL PASO COLBY, INC.
2) OWNERS ADDRESS: 5-100 12120 ESTHER LAMA DR EL PASO, TEXAS 79936
3) DEED REFERENCE: 3555/0429
4) TAX ACCOUNT NOS.: PARCEL 256 1900007120
PARCEL 350 0207560370
5) ELECTION DISTRICT: 2ND
6) COUNCILMANIC DISTRICT: 4TH
7) NOT HISTORIC
8) NOT IN CBCA
9) UNKNOWN FLOOFPLAIN
10) PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM
11) PRIOR HEARING: NONE
12) ZONING MAP: 057A2



DEVOLUTION OF TITLE P. 350

SHIPLEY - GRAY
SEPTEMBER 25, 1941
116/491
45.60 ACRES ±
SAVE AND EXCEPT 907/401 PARCEL 340 (1.05 ACRES)
REMAINING PARCEL 350 44.55 ACRES ±

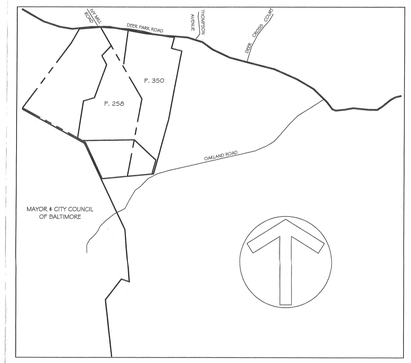
GRAY - SILCOTT
AUGUST 1, 1979
6057/879
46.619 ACRES ±
INCLUDED PARCEL 606 VIA ADVERSE POSSESSION 44.55 ACRES + 4.41 ACRES
PARCELS 606 AND 350

OFFUTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/676 (CONFIRMATORY)
4.414 ACRES ± PARCEL 606
0.12 ACRES ± TO PARCEL 350 TOTAL = 44.67 ACRES ±

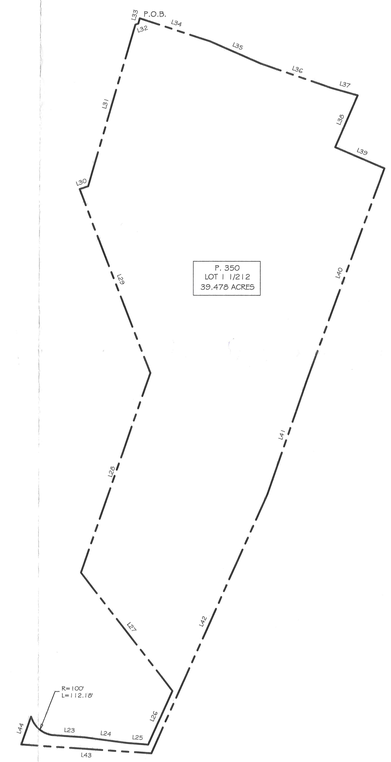
E SILCOTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/707
46.739 ACRES ±
PARCEL 606 (4.414 ACRES) AND 350 (44.67 ACRES)

MINOR SUBDIVISION BY SNYDER
OCTOBER 18, 2000
PROJECT NO. 00-049M
PLAT BOOK 1/212
PARCELS 350 AND 606 (REPRESENTED AS PARCEL 350)
CREATES PARCEL 596 5.192 ACRES ± (LOT 1)
REMAINING AREA PARCEL 350 39.478 ACRES ± (LOT 2)
LOT 2 SHOWS 43.607 ACRES ON SUBDIVISION PLAN WHICH INCLUDES PARCEL 606

E & J SILCOTT - S. SILCOTT
21267/347
OCTOBER 11, 2004
4.414 ACRES ±
PARCEL 606



VICINITY MAP
SCALE: 1" = 1,000'



LINE	BEARING	LENGTH
L23	S86°18'29"E	57.52
L24	S82°30'27"E	83.92
L25	S85°36'47"E	39.64
L26	N24°18'24"E	113.26
L27	N12°45'13"W	267.34
L28	N19°10'00"E	406.60
L29	N21°10'00"W	379.34
L30	N71°17'09"E	17.31
L31	N16°06'57"E	323.37
L32	N72°50'04"E	9.77
L33	N15°52'04"E	10.73
L34	S71°55'40"E	141.08
L35	S62°30'07"E	107.43
L36	S71°00'55"E	143.61
L37	S74°39'11"E	52.50
L38	S23°21'34"W	106.63
L39	S62°47'54"E	103.05
L40	S19°54'43"W	433.35
L41	S19°04'03"W	231.63
L42	S24°50'03"W	546.04
L43	N82°14'57"W	250.80
L44	N19°10'00"E	56.85

PETITIONER'S
EXHIBIT NO. No 1

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-6600
Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019

SEAL

NORTH

REVISIONS:

NO.	DATE
1	1/24/2018

PLAN TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING
EL PASO COLBY, INC. PROPERTY
PARCELS 256 AND 350
BALTIMORE COUNTY
MARYLAND
2ND ELECTION DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 11/20/2017

PROJECT NO.:
2017-032

SHEET 1 OF 1

DEVOLUTION OF TITLE P. 258

PRATT - WM H SMITH COMPANY, INC
AUGUST 31, 1955
2769/491
83.89 ACRES±
PARCELS 101, 256, 286, 321 AND 559

WM H SMITH COMPANY, INC - KIRBY
SEPTEMBER 6, 1962
341/467
10.1726 ACRES±
FIRST P/O PARCEL 286

PLAT OF ALVERMAR SECTION 1
OCTOBER 21, 1959
RECORDED IN PLAT BOOK 26/106
3.75 ACRES ±
PARCEL 321

WM H SMITH COMPANY, INC - THE GREY DAWN DEVELOPMENT COMPANY, INC
JUNE 13, 1961
355/411/9
63.89 ACRES±
SAVE AND EXCEPT PARCELS P/O 286 (10.173 ACRES) AND 321 (3.75 ACRES ±)
REMAINING 69.967 ACRES ± OF PARCEL 101

THE GREY DAWN DEVELOPMENT COMPANY, INC - KIRBY
SEPTEMBER 20, 1963
4272/253
2.348 ACRES±
SECOND P/O PARCEL 286
PARCEL 286 TOTAL 12.521 ACRES ±
REMAINING 67.619 ACRES ± OF PARCEL 101

HETTLEMAN (ASSIGNEE FOR THE GREY DAWN DEVELOPMENT COMPANY, INC) - PRUDENTIAL SAVINGS AND LOAN, INC
APRIL 23, 1968
5010/021
63.89 ACRES±
SAVE AND EXCEPT PARCELS 286 (TOTAL 12.521 ACRES ±) AND 321 (3.75 ACRES ±)
REMAINING 67.619 ACRES ± OF PARCEL 101

PRUDENTIAL SAVINGS AND LOAN, INC - OLETSKY, SELKO AND FALK
APRIL 23, 1968
5010/024
SAME AS CONVEYED IN 5010/021
67.619 ACRES ±
PARCEL 101

SELKO - KALIS
JANUARY 30, 1974
5428/757
SAME AS CONVEYED IN 5010/024
67.619 ACRES ±
PARCEL 101

KALIS AND FALK - BEARMAN AND SHAPIRO
APRIL 17, 1980
6160/536
67.619 ACRES ±
PARCEL 101

SHAPIRO, BEARMAN AND OLETSKY - E SILCOTT
7/9/1982
6371/702
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E SILCOTT - E & J SILCOTT
PARCEL 3 OF 6371/707
42.06 ACRES ±
PARCEL 256
REMAINING 25.559 ACRES ± OF PARCEL 101

E & J SILCOTT - S SILCOTT
9603/721
JANUARY 29, 1993
11.465 ACRES ±
PARCEL 559
REMAINING 30.595 ACRES ± OF PARCEL 256

NOTES:

PARCEL 258 AS SHADED IN TEAL REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY, INC.
PARCEL 350 AS SHADED IN PURPLE REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY INC.

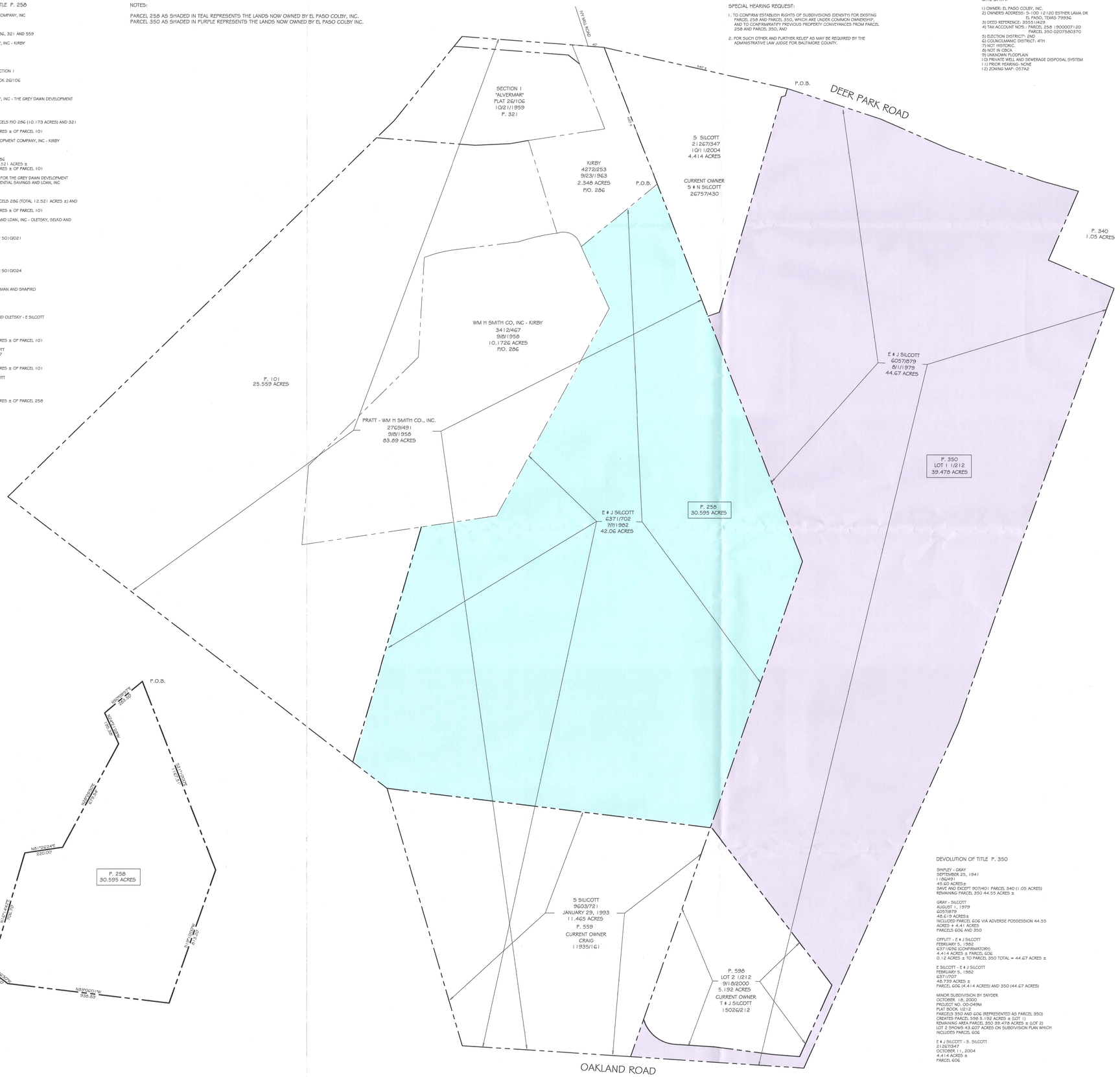
SPECIAL HEARING REQUEST:

1. TO CONFIRM ESTABLISH RIGHTS OF SUBDIVISIONS (DENSITY) FOR EXISTING PARCEL 258 AND PARCEL 350, WHICH ARE UNDER COMMON OWNERSHIP, AND TO CONFIRM/RATIFY PREVIOUS PROPERTY CONVEYANCES FROM PARCEL 258 AND PARCEL 350; AND

2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SITE DATA:

1) OWNER: EL PASO COLBY, INC.
2) OWNERS ADDRESS: 5-100 12120 ESTHER LAMA DR
EL PASO, TEXAS 79936
3) DEED REFERENCE: 3555/429
4) TAX ACCOUNT NOS.: PARCEL 258 1900007120
PARCEL 350 0207580370
5) ELECTION DISTRICT*: 2ND
6) COUNCILMANIC DISTRICT: 4TH
7) NOT HISTORIC.
8) NOT IN CBCA
9) UNKNOWN FLOODPLAIN
10) PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM
11) PRIOR HEARING: NONE
12) ZONING MAP: 057A2



DEVOLUTION OF TITLE P. 350

SHIPLEY - GRAY
SEPTEMBER 25, 1941
116/491
45.60 ACRES±
SAVE AND EXCEPT 907/401 PARCEL 340 (1.05 ACRES)
REMAINING PARCEL 350 44.55 ACRES ±

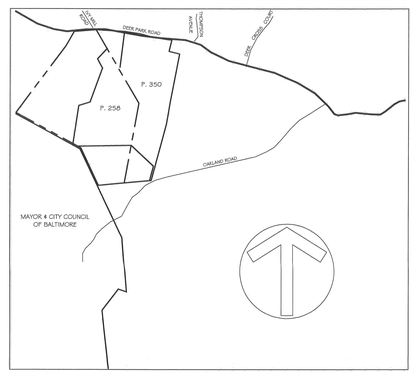
GRAY - SILCOTT
AUGUST 1, 1979
6057/879
46.619 ACRES±
INCLUDES PARCEL 606 VIA ADVERSE POSSESSION 44.55 ACRES + 4.41 ACRES
PARCELS 606 AND 350

OFFUTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/696 (CONFIRMATORY)
4.414 ACRES ± PARCEL 606
0.12 ACRES ± TO PARCEL 350 TOTAL = 44.67 ACRES ±

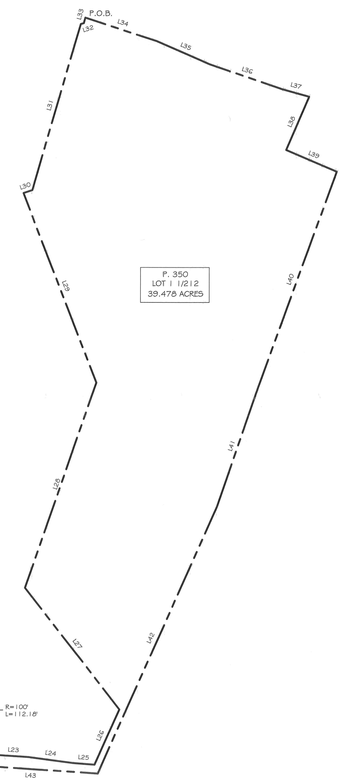
E SILCOTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/707
46.739 ACRES ±
PARCEL 606 (4.414 ACRES) AND 350 (44.67 ACRES)

MINOR SUBDIVISION BY SNYDER
OCTOBER 18, 2000
PROJECT NO. 00-049M
PLAT BOOK 1012
PARCELS 350 AND 606 (REPRESENTED AS PARCEL 350)
CREATES PARCEL 596 5.192 ACRES ± (LOT 1)
REMAINING AREA PARCEL 350 39.478 ACRES ± (LOT 2)
LOT 2 SHOWS 43.607 ACRES ON SUBDIVISION PLAN WHICH INCLUDES PARCEL 606

E & J SILCOTT - S. SILCOTT
21267/347
OCTOBER 11, 2004
4.414 ACRES ±
PARCEL 606



VICINITY MAP
SCALE: 1" = 1,000



LINE TABLE		
LINE	BEARING	LENGTH
L23	S60°18'25"E	57.52
L24	S62°35'27"E	63.39
L25	S85°38'47"E	39.64
L26	N24°18'24"E	113.25
L27	N37°45'13"W	287.34
L28	N19°10'00"E	406.60
L29	N21°10'00"W	379.34
L30	N71°19'19"E	17.31
L31	N16°06'57"E	323.37
L32	N73°53'04"E	5.79
L33	N15°52'04"E	10.73
L34	S71°55'40"E	141.28
L35	S62°52'05"E	107.43
L36	S71°00'55"E	143.61
L37	S74°59'11"E	52.50
L38	S23°21'34"W	105.63
L39	S62°47'54"E	103.05
L40	S19°54'43"W	433.95
L41	S19°04'03"W	231.65
L42	S24°06'03"W	546.04
L43	N82°14'57"W	250.80
L44	N19°10'00"E	56.95

GRAPHIC SCALE

100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-6600

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019

NORTH

REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING
EL PASO COLBY, INC. PROPERTY

PARCELS 256 AND 350
BALTIMORE COUNTY
MARYLAND
2ND ELECTION DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 11/20/2017

PROJECT NO.:
2017-032

SHEET 1 OF 1

DEVOLUTION OF TITLE P. 258

PRATT - WM H SMITH COMPANY, INC
AUGUST 31, 1955
2726/491
83.69 ACRES±
PARCELS 101, 256, 286, 321 AND 559

WM H SMITH COMPANY, INC - KIRBY
SEPTEMBER 6, 1962
341/24627
10.1726 ACRES±
FIRST P/O PARCEL 286

PLAT OF ALVERMAR SECTION 1
OCTOBER 21, 1959
RECORDED IN PLAT BOOK 26/106
3.75 ACRES ±
PARCEL 321

WM H SMITH COMPANY, INC - THE GREY DAWN DEVELOPMENT COMPANY, INC
JUNE 13, 1961
3054/119
83.69 ACRES±
SAVE AND EXCEPT PARCELS P/O 286 (10.173 ACRES) AND 321 (3.75 ACRES ±)
REMAINING 69.967 ACRES ± OF PARCEL 101

THE GREY DAWN DEVELOPMENT COMPANY, INC - KIRBY
SEPTEMBER 20, 1963
4772/253
2.348 ACRES±
SECOND P/O PARCEL 286
PARCEL 286 TOTAL 12.521 ACRES ±
REMAINING 67.619 ACRES ± OF PARCEL 101

HETTLEMAN (ASSIGNEE FOR THE GREY DAWN DEVELOPMENT COMPANY, INC) - PRUDENTIAL SAVINGS AND LOAN, INC
APRIL 23, 1968
5010/021
83.69 ACRES±
SAVE AND EXCEPT PARCELS 286 (TOTAL 12.521 ACRES ±) AND 321 (3.75 ACRES ±)
REMAINING 67.619 ACRES ± OF PARCEL 101

PRUDENTIAL SAVINGS AND LOAN, INC - OLETSKY, SELKO AND FALK
APRIL 23, 1968
5010/024
SAME AS CONVEYED IN 5010/021
67.619 ACRES ±
PARCEL 101

SELKO - KALIS
JANUARY 30, 1974
5428/757
SAME AS CONVEYED IN 5010/024
67.619 ACRES ±
PARCEL 101

KALIS AND FALK - BEARMAN AND SHAPIRO
APRIL 17, 1980
6160/536
67.619 ACRES ±
PARCEL 101

SHAPIRO, BEARMAN AND OLETSKY - E SILCOTT
7/1/1982
6371/702
42.06 ACRES ±
PARCEL 258
REMAINING 25.559 ACRES ± OF PARCEL 101

E SILCOTT - E & J SILCOTT
PARCEL 3 OF 6371/707
42.06 ACRES ±
PARCEL 258
REMAINING 25.559 ACRES ± OF PARCEL 101

E & J SILCOTT - S SILCOTT
9603/721
JANUARY 29, 1993
11.465 ACRES ±
PARCEL 559
REMAINING 30.595 ACRES ± OF PARCEL 258

NOTES:

PARCEL 258 AS SHADED IN TEAL REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY, INC.
PARCEL 350 AS SHADED IN PURPLE REPRESENTS THE LANDS NOW OWNED BY EL PASO COLBY INC.

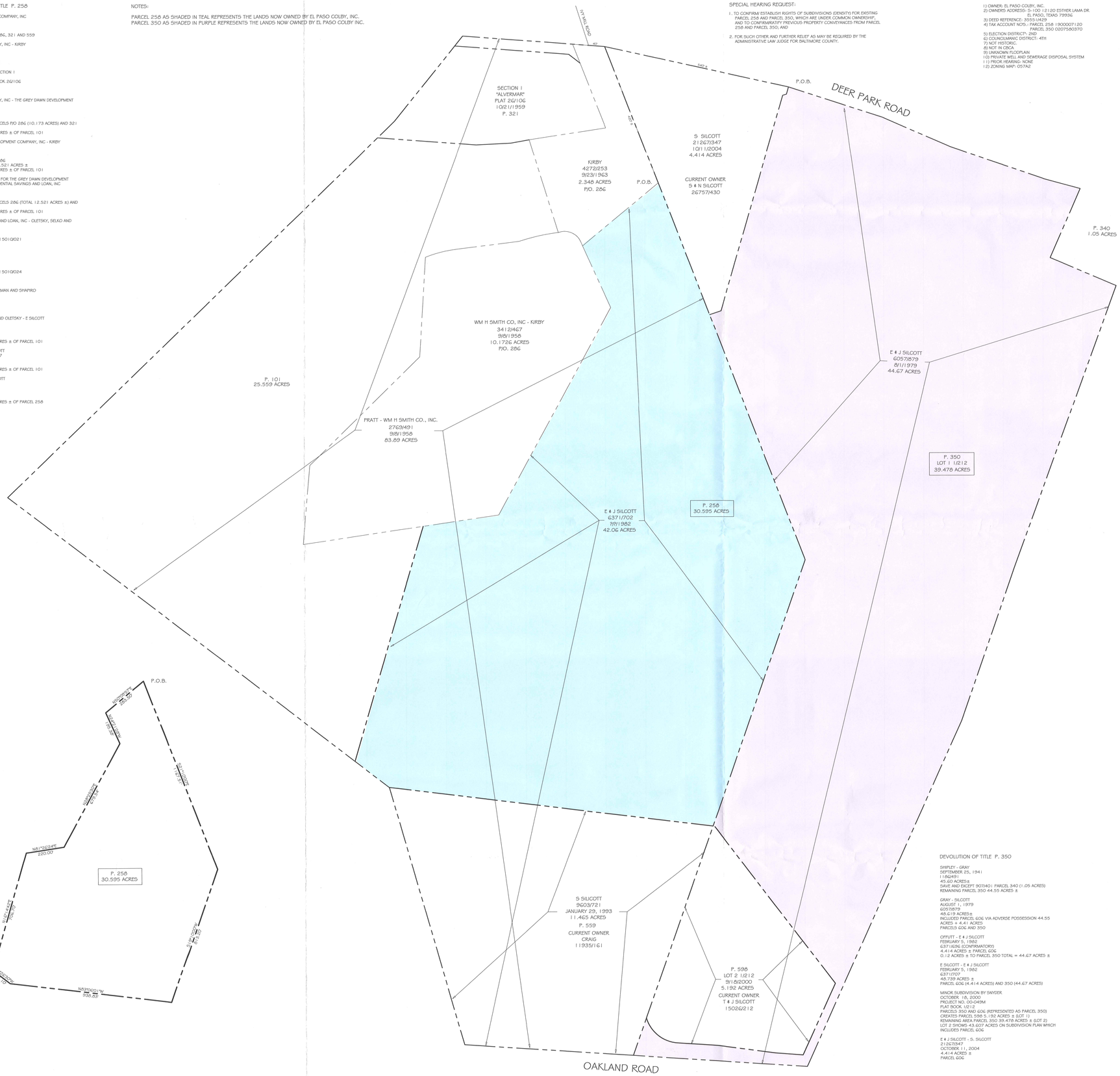
SPECIAL HEARING REQUEST:

1. TO CONFIRM/ ESTABLISH RIGHTS OF SUBDIVISIONS (DENSITY) FOR EXISTING PARCEL 258 AND PARCEL 350, WHICH ARE UNDER COMMON OWNERSHIP, AND TO CONFIRM/ RATIFY PREVIOUS PROPERTY CONVEYANCES FROM PARCEL 258 AND PARCEL 350, AND

2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SITE DATA:

1) OWNER: EL PASO COLBY, INC.
2) OWNERS ADDRESS: S-100 12120 ESTHER LAMA DR EL PASO, TEXAS 79936
3) DEED REFERENCE: 3555/0429
4) TAX ACCOUNT NOS.- PARCEL 258 1900007120 PARCEL 350 0207580370
5) ELECTION DISTRICT: 2ND
6) COUNCILMANIC DISTRICT: 4TH
7) NOT HISTORIC
8) NOT IN CBCA
9) UNKNOWN FLOODPLAIN
10) PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM
11) PRIOR HEARING: NONE
12) ZONING MAP: 057A2



DEVOLUTION OF TITLE P. 350

SHIPLEY - GRAY
SEPTEMBER 25, 1941
1162/491
45.60 ACRES±
SAVE AND EXCEPT 907/401 PARCEL 340 (1.05 ACRES)
REMAINING PARCEL 350 44.55 ACRES ±

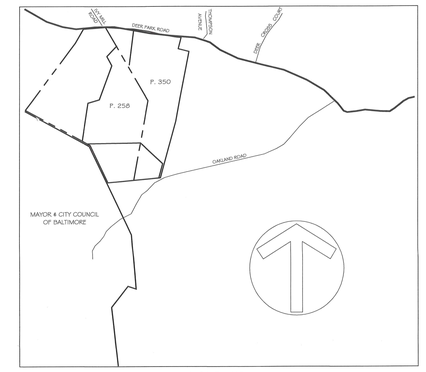
GRAY - SILCOTT
AUGUST 1, 1979
6057/879
48.619 ACRES±
INCLUDED PARCEL 606 VIA ADVERSE POSSESSION 44.55 ACRES + 4.41 ACRES
PARCELS 606 AND 350

OFFUTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/626 (CONFIRMATORY)
4.414 ACRES ± PARCEL 606
0.12 ACRES ± TO PARCEL 350 TOTAL = 44.67 ACRES ±

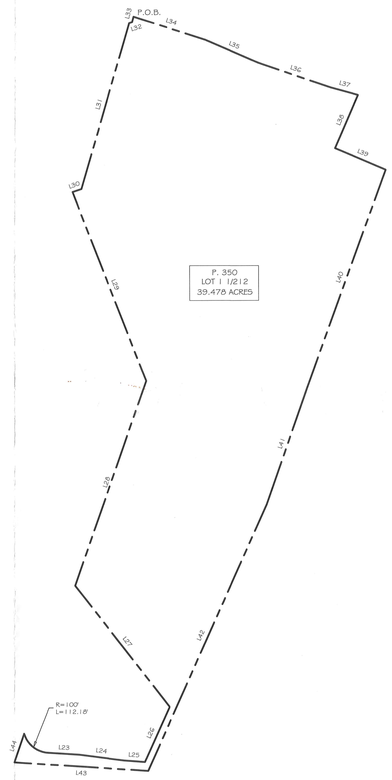
E SILCOTT - E & J SILCOTT
FEBRUARY 5, 1982
6371/707
46.739 ACRES ±
PARCEL 606 (4.414 ACRES) AND 350 (44.67 ACRES)

MINOR SUBDIVISION BY SNYDER
OCTOBER 16, 2000
PROJECT NO. 00-049M
PLAT BOOK, 1/212
PARCELS 350 AND 606 REPRESENTED AS PARCEL 350)
CREATES PARCEL 598 5.192 ACRES ± (LOT 1)
REMAINING AREA PARCEL 350 39.478 ACRES ± (LOT 2)
LOT 2 SHOWS 43.607 ACRES ON SUBDIVISION PLAN WHICH INCLUDED PARCEL 606

E & J SILCOTT - S. SILCOTT
21267/347
OCTOBER 11, 2004
4.414 ACRES ±
PARCEL 606



VICINITY MAP
SCALE: 1" = 1,000'



LINE TABLE		
LINE	BEARING	LENGTH
L23	S82°18'23"E	57.52
L24	S82°30'27"E	83.92
L25	S85°38'43"E	39.64
L26	N24°16'24"E	113.26
L27	N37°45'13"W	287.34
L28	N19°10'00"E	406.60
L29	N21°10'00"W	379.34
L30	N71°17'15"E	17.31
L31	N16°06'37"E	323.37
L32	N72°52'04"E	5.77
L33	N15°52'04"E	10.73
L34	S71°55'40"E	141.08
L35	S62°26'05"E	107.43
L36	S71°30'55"E	143.61
L37	S74°39'11"E	52.50
L38	S23°21'34"W	108.63
L39	S62°47'54"E	103.09
L40	S19°54'43"W	433.35
L41	S19°04'03"W	231.65
L42	S24°06'03"W	546.04
L43	N82°14'57"W	250.60
L44	N19°10'00"E	56.39

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

Petitioner
CBA Exhibit 1

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8600

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019

STATE OF MARYLAND · KEVIN J. WELLS · 21087 · REGISTERED PROFESSIONAL LAND SURVEYOR

SHEET 1 OF 1

NORTH

REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING
EL PASO COLBY, INC. PROPERTY

PARCELS 258 AND 350
BALTIMORE COUNTY, MARYLAND
2ND ELECTION DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 11/20/2017

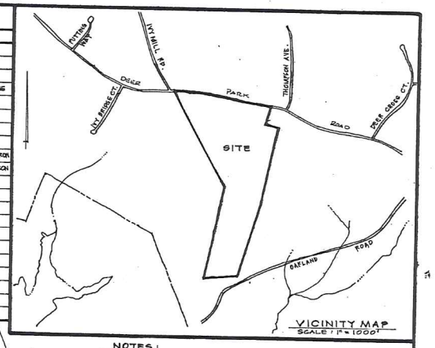
PROJECT NO.:
2017-032

Coordinates & Bearings shown hereon are referred to B.C.M.P. datum and are based on Traverse stations:
X= 3305 : N 47115.66 N 64402.35 , X= 3306 N 47265.46 W 64404.41
MCS coordinate ticks shown hereon are derived from the DGNP & MCS coordinate conversion spreadsheet supplied by Baltimore County Department of Surveys.

BCMDS MERIDIAN

COORDINATES CHART - BALTO. CO. METRO. DISTRICT DATA

NO.	NORTH	WEST	DESCRIPTION	NO.	NORTH	WEST	DESCRIPTION
1	48229.5564	69454.2078	FINCH PIPE FD.	203	46870.6041	69685.6923	WOOD FENCE POST FD.
24	48179.6157	69454.2403	FINCH PIPE FD.	206	47267.6047	70205.0136	--
30	48384.1694	69418.5254	1/2" IRON PIPE FD.	207	48628.7578	71012.7803	F.K.NAIL
31	48400.4033	69412.4457	X-CUT IN MORTAR JOINT OF WALL	208	48440.0697	69600.5805	F.K.NAIL 4.2' N. OF E. EDGE
32	48425.5395	69406.2849	1/2" IRON PIPE FD.	215	48768.3810	70476.7870	FINCH PIPE FD.
35	49295.4545	70797.1610	1/2" IRON PIPE FD.	216	48558.8158	70593.2315	3/4" STEEL BAR W CAP
48	47179.8154	69942.1544	5/8" STEEL BAR FD.	218	48451.7469	70351.8800	3/4" STEEL BAR W CAP
50	47327.1381	69916.6915	1/2" IRON PIPE FD.	220	48600.3588	70474.6157	F.K.NAIL 1.4' N. OF ℄
51	47483.0571	69584.3423	1/2" IRON PIPE FD. 1.42' SE OF ℄	221	48588.7184	70195.5248	F.K.NAIL IN DRIVEWAY APRON
52	47758.8901	69529.2072	1/2" IRON PIPE FD. 0.55' SE OF ℄	222	48501.7417	69988.4715	F.K.NAIL IN DRIVEWAY APRON
54	48586.0446	71110.2458	1/2" IRON PIPE FD.	223	48451.7414	69705.1259	F.K.NAIL 4.7' N. OF ℄
55	48578.2230	71203.9114	1/2" IRON PIPE FD.	237	48119.7774	70520.1007	3/4" STEEL BAR W CAP
56	49047.1371	70991.4013	1/2" IRON PIPE FD.	238	48192.8157	70858.8407	3/4" STEEL BAR W CAP
90	45822.5176	69909.9466	F.K.NAIL FD.	295	49348.0443	70846.1943	3/4" STEEL BAR W CAP
91	45816.0634	69971.9976	FINCH PIPE FD.	240	49430.6352	70895.2254	3/4" STEEL BAR W CAP
				241	48513.2291	70944.2186	3/4" STEEL BAR W CAP
				510	45824.9384	69975.2891	4TH LINE B.A.
				511	45912.8397	69951.7835	EASEMENT CORNER
				520	46508.5676	69769.4038	3/4" STEEL BAR W CAP
				521	49067.4275	69936.4037	3/4" STEEL BAR W CAP
				522	49047.9345	69815.5565	3/4" STEEL BAR W CAP



NOTES:

1. CURRENT TITLE REFERENCE:
   DEED REFERENCE: S.H.K. Jr. 6371 FOLIO 707, PARCEL 4
   OWNERS: EDWARD N. SILCOTT & JANICE L. SILCOTT
   DATE: FEBRUARY 9, 1982
   GRANTOR: EDWARD N. SILCOTT
2. CURRENT ZONING CLASSIFICATION: R.C.4 (SEE B.C. 200 SCALE ZONING MAPS NW13L & NW13L.)
3. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. 200 SCALE, G.I.S. SHEETS 05132 & 05133.
4. SOILS MAP: 29
5. GROSS AREA: 48.7576 Ac.±, NET AREA: 48.7976 Ac.±
6. DENSITY: 48.7976 x .2 = 9 LOTS ALLOWED
7. PROPOSED DENSITY: 2 LOTS ÷ 48.7976 Ac.± = 0.04
8. WATERSHED: LIBERTY RESERVOIR
9. SUBSEWERSHED: N/A
10. REGIONAL PLANNING DISTRICT: 311
11. SCHOOL DISTRICT: 190 - CEDARMERE
12. TAX MAP: 57 BLOCK: 13 PARCEL: 350
13. TAX ACCOUNT NO. 02 0758070
14. THERE ARE NO WELLS AND/OR SEPTICS LOCATED WITHIN 100 FEET OF THIS SITE, UNLESS OTHERWISE SHOWN HEREON.
15. THERE ARE NO UNDERGROUND FUEL OR PESTICIDE TANKS ON SITE, UNLESS OTHERWISE SHOWN HEREON.
16. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 15, 1975.
    THE DEVELOPER'S SURVEYOR CONFIRMS THAT NO PART OF THE GROSS AREA OF THIS PROPERTY, AS SHOWN HEREON, HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
17. TOTAL AREA OF PROPOSED LAND DISTURBANCE: 20,000 S.F.
18. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND RUNOFF BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
19. HOUSE DOWN SPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS WHERE FEASIBLE.
20. ADDITIONAL SUBDIVISION OF THESE PARCELS AND/OR LOTS MAY REQUIRE S.W.M. CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
21. ALL SITE RUN-OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
22. A SOIL AND WATER CONSERVATION PLAN HAS BEEN PREPARED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT, WHICH ADDRESSES THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS.
    SEE FARM PLAN NO. 57 F 350
23. AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED & KEPT FREE OF OBSTRUCTIONS.
24. MAXIMUM HEIGHT FOR BUILDINGS IS 35 FEET.
25. MAXIMUM COVERAGE FOR ALL BUILDINGS PER LOT IS 15%.
26. NOT MORE THAN 25% OF THE NATURAL VEGETATION MAY BE REMOVED FROM ANY LOT IN THE R.C.4 ZONE.
27. I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE COUNTY AGENCIES' COMMENTS DATED MAY 9, 2000 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES' COMMENTS.
28. THE EXISTING SECOND DWELLING [KNOWN AS #140 DEER PARK ROAD] ON LOT 2/ REMAINDER IS A TENANT FARMER'S DWELLING AND SHALL REMAIN AS SUCH.
29. THERE ARE NO ZONING CASES ON FILE FOR THIS PROPERTY.
30. USE OF CONSERVANCY AREA IS AGRICULTURAL AND SHALL CONTINUE AS SAME.
31. THE OWNERS HAVE INVOKED THE INTRAFAMILY DECLARATION OF INTENT FOR FOREST CONSERVATION EXEMPTION.
32. THIS PLAN COMPLIES WITH THE DESIGN AND ENVIRONMENTAL RECOMMENDATIONS OF THE OFFICE OF PLANNING AND COMMUNITY CONSERVATION, AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PURSUANT TO THE STANDARDS OF SECTION 1A03.5 (B.C.Z.R.).

NOTE: EXISTING TENANT HOUSE IS LOCATED ON AND IS A PART OF LOT 2 AS SHOWN HEREON.

S.M.
I-212
Filed for record
I FOLIO 272
SEP 25 2000
Test:
Clerk

DETAIL: BOUNDARY & R/W LINE
SCALE: 1" = 50'

CONSERVANCY NOTES

REQUIRED R.C.4 CONSERVANCY AREA = 70% x 48.7976 Ac.± .... 34.1583 Ac.±
PROPOSED R.C.4 CONSERVANCY AREA ..... 34.1584 Ac.±
MAXIMUM R.C.4 BUILDABLE AREA = 30% x 48.7976 Ac.± ..... 14.6393 Ac.±
PROPOSED R.C.4 BUILDABLE AREA ..... 14.6392 Ac.±

WHEN A PLAN WITH FULL DENSITY IS PROPOSED, A PERMANENT EASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY PRIOR TO FINAL APPROVAL OF A PLAN. THIS EASEMENT SHALL RUN WITH THE LAND AND CONTINUE IN PERPETUITY. THE CONSERVANCY EASEMENT WILL BE GRANTED TO THE COUNTY OR SUCH OTHER AGENCY OR ENTITY WHICH THE COUNTY APPROVES AND SHALL PERMANENTLY RESTRICT FURTHER SUBDIVISION OF THE CONSERVANCY AREA. THE CONSERVANCY AREA AGREEMENT SHALL BE IN A FORM APPROVED BY THE COUNTY ATTORNEY, WHO WILL CONSULT WITH THE DIRECTOR OF D.E.P.R.M..

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 00-049-M

DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☑ Reshaped, exempt from Sections 26-202 & 26-206

P.D.M. CERTIFICATION
☑ Approved ☐ Disapproved
By: _____ Date: 9/18/00

APPROVED, DEPS.M.
By: _____ Date: 9/11/00

MINOR SUBDIVISION PLAN OF THE EDWARD N. SILCOTT PROPERTY

2ND ELECTION DISTRICT
COUNCILMANIC DISTRICT: 3
DATE: JANUARY 19, 2000

OWNERS / DEVELOPERS:
EDWARD N. SILCOTT
JANICE L. SILCOTT
6136 DEER PARK RD.
REISTERSTOWN, MD. 21136

BALTIMORE COUNTY, MARYLAND
CENSUS TRACT: 4031.01
SCALE: 1" = 100'

Revised 8/22 Sheet 1 of 1
Sept 25, 2000 10:15 am

PREPARED BY:
A.L. SNYDER SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744

REVISION: 5-1-00 / ADD NOTE #32 AND CLARIFY CONSERVANCY LIMITS
REVISION: 7-24-00 / ADD A NOTE, REVISE NOTE #16 & CONSERVANCY.
REVISION: 8-17-00 / ADD CONSERVANCY & REVISE LOT 1
REVISION: 9-19-00 / REVISE NOTES #26 & 27, ADD NOTES 28-31.

COUNTY FILE NO. 00-049-M
JOB NO. 98082

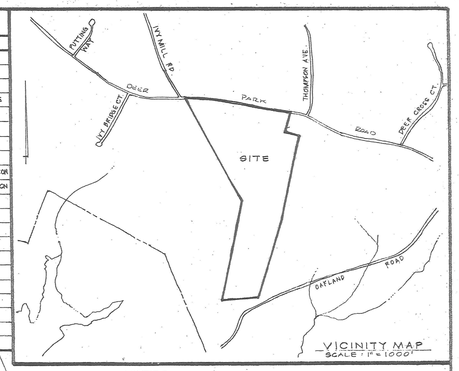
MSA SSU 1236-10738

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B.C.M.D. MERIDIAN

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26	48179.6157	69454.2403	FINCH PIPE FD.	204	47267.6047	70205.0136	—
30	48384.1684	69415.5254	½" IRON PIPE FD.	207	48628.7578	71012.7803	P.K. NAIL
31	48400.4033	69412.4457	X-CUT IN MORTAR JOINT OF WALL	208	48440.0687	69600.5809	P.K. NAIL 4.2' N. OF S. EDGE
32	48425.5339	69604.2840	½" IRON PIPE FD.	213	45768.9810	70476.7870	FINCH PIPE FD.
35	48265.4545	70797.1810	½" IRON PIPE FD.	215	48595.8158	70993.7315	¾" STEEL BAR W/CAP
48	47179.8154	69642.1344	⅝" STEEL BAR FD.	219	49457.7469	70391.8800	¾" STEEL BAR W/CAP
50	47327.1381	69916.9315	½" IRON PIPE FD.	220	49600.3588	70474.6157	P.K. NAIL 1.4' N. OF ℄
51	47483.0571	69564.3423	½" IRON PIPE FD. 1.42' SE OF R.	221	49585.7104	70195.5248	P.K. NAIL IN DRIVEWAY APRON
52	47758.8901	69520.2072	½" IRON PIPE FD. 0.55' SE OF R.	222	48501.7417	69988.4719	P.K. NAIL IN DRIVEWAY APRON
54	48586.0446	71110.2453	½" IRON PIPE FD.	223	48451.7414	69705.1258	P.K. NAIL 4.7' N. OF ℄
55	48578.2230	71203.9114	½" IRON PIPE FD.	237	48119.7774	70520.1007	¾" STEEL BAR W/CAP
56	48047.1271	70381.4013	½" IRON PIPE FD.	238	48192.8157	70858.8407	¾" STEEL BAR W/CAP
90	45822.5176	69909.9466	P.K. NAIL FD.	239	48348.0443	70846.1943	¾" STEEL BAR W/CAP
91	45816.0834	69977.6576	FINCH PIPE FD.	240	48430.6352	70895.2056	¾" STEEL BAR W/CAP
				241	48513.2251	70944.2186	¾" STEEL BAR W/CAP
				510	45824.3384	69979.2897	N/W LINE ℄ &
				511	45912.8397	69951.7835	EASEMENT CORNER
				520	46598.5876	69768.4038	¾" STEEL BAR W/CAP
				531	46067.4275	69936.4037	¾" STEEL BAR W/CAP
				532	46047.9345	69913.6565	¾" STEEL BAR W/CAP



VICINITY MAP
SCALE: 1"=1000'


SECOND AMENDED PLAT OF "BEALL PROPERTY"
LOT 1
THOMAS ROTH
ANNELIESE TAYLOR-ROTH
S-M 12509 F 109
TAX ACC.# 1900007824
ZONING: R.C.4
LOT 5
ROBERT P. WILDER II
LUCY A. WILDER
S-M 8177 F 533
TAX ACC.# 1900007878
ZONING: R.C.4
FLAT BOOK 53
FOLIO 125
LOT 6
MICHAEL L. SNYDER
KATHY L. SNYDER
S.M.K. JR 6079 F 533
TAX ACC.# 1900007820
ZONING: R.C.4
VANCE SUMMERHILL
DONNA M. SUMMERHILL
S-M 9930 F 478
TAX ACC.# 1900501200
ZONING: R.C.4
LOT 2 / REMAINDER
43.6037 Ac.±
AREA CONSERVANCY
34.1584 Ac.±
EXISTING POND
#6136
#6140
#1710
#1734
DEER PARK ROAD
OAKLAND ROAD
LOT 1
5.1019 Ac.±
LOT 10
SUSAN L. FOX
E.H.K. JR. 6637 F. 439
TAX ACC.# 1900004827
ZONING: R.C.4
EDWARD N. SILCOTT
JANICE L. SILCOTT
E.H.K. JR. 6371 F. 707
PARCEL 4
TAX ACC.# 1900007120
ZONING: R.C.4
WILLIAM C. CRAIG
AMY C. CRAIG
S.M. 13935 F. 161
TAX ACC.# 2500014842
ZONING: R.C.4
DAVID E. MANSON
JANICE L. MANSON
TAX ACC.# 0207580370
ZONING: R.C.4
CYNTHIA SHEAFFELL
JOSHUA SHEAFFELL
TAX ACC.# 0212540681
ZONING: R.C.4
LOT 3
SECTION OF PLAT
PLATBOOK 29 F. 100
PROPOSED 10,000 SF SEPTIC AREA
PROP. WELL
PROP. DRIVEWAY
EX. DRIVEWAY
EX. WELL
EX. SEPTIC AREA
EX. 1½ STY. FRAME DWELLING
EX. 1½ STY. BRICK DWELLING
EX. 1½ STY. FRAME BARN
EX. 1½ STY. FRAME TENANT HOUSE
EX. 1½ STY. BRICK TENANT HOUSE
EX. 1½ STY. FRAME GARAGE
EX. 1½ STY. FRAME SHED
EX. FRAME SHED
EX. BRICK SHED
EX. FRAME BARN
EX. BRICK BARN
EX. CONCRETE SILO
EX. METAL SILO
EX. CONCRETE SILO
EX. METAL SILO
EX. CONCRETE SILO
EX. METAL SILO

Coordinates in Bearings shown hereon are referred to B.C.M.P. datum and are based on Traverse stations:

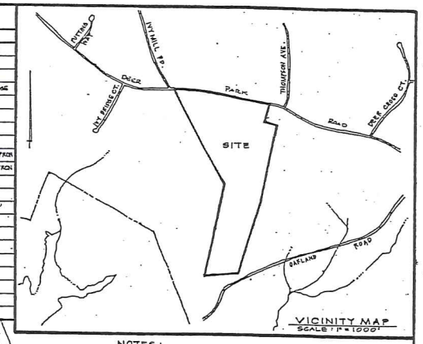
X= 3305 : N 8115.56 m E 64402.35 , X= 3906 N 47265.44 W 64696.41

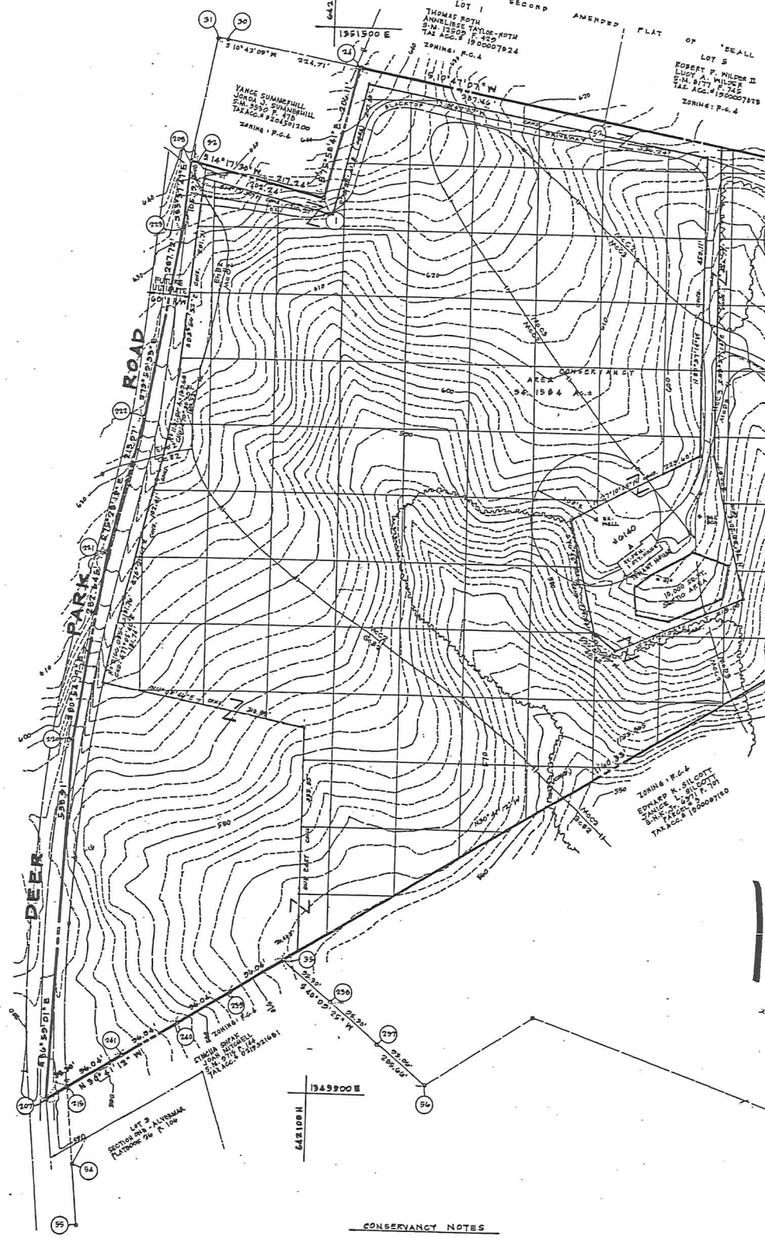
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B.C.M.P. MERIDIAN

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90	48522.5176	69909.9466	F.K. NAIL FD.	239	48348.0443	70449.1943	3/4" STEEL BAR W/CAP
91	48518.0536	69977.0576	FINCH PIPE FD.	240	48430.6352	70395.2066	3/4" STEEL BAR W/CAP
				241	48513.2291	70944.2186	3/4" STEEL BAR W/CAP
				510	45824.9384	69975.2891	N/A LINE & ℄
				511	45012.8391	69951.7835	EASEMENT CORNER
				520	45598.5476	69769.4038	3/4" STEEL BAR W/CAP
				521	46067.4175	69734.4037	3/4" STEEL BAR W/CAP
				522	49047.9365	69515.9565	3/4" STEEL BAR W/CAP





Coordinates & Bearings shown hereon are referred to B.C.M.D. datum and are based on Traverse stations:
X- 3305 : N 47115.66 N 64402.38 , X- 3900 : N 47265.46 N 64041.41
MCS coordinate ticks shown hereon are derived from the BCMP & MCS coordinate conversion spreadsheet supplied by Baltimore County Department of Surveys.

B.C.M.D. MERIDIAN

COORDINATES CHART - BALTO. CO. METRO. DISTRICT DATA

NO.	NORTH	WEST	DESCRIPTION	NO.	NORTH	WEST	DESCRIPTION
1	48229.5564	69654.2078	FINCH PIPE FD.	203	49870.6041	69655.6923	WOOD FENCE POST FD.
24	48179.6157	69454.2403	FINCH PIPE FD.	204	47267.8047	70205.0136	—
30	48384.1694	69419.3254	1/2" IRON PIPE FD.	207	48429.7578	71013.7803	P.K.NAIL
31	48400.4033	69412.4487	"X" CUT IN MORTAR JOINT OF WALL	208	48440.0487	69600.5805	P.K.NAIL 4.2' N. OF S. EDGE
32	48425.5395	69604.2849	1/2" IRON PIPE FD.	215	48768.2810	70479.7870	FINCH PIPE FD.
35	48285.4545	70797.1810	1/2" IRON PIPE FD.	215	48598.8158	70993.2315	3/4" STEEL BAR W/CAP
45	47179.8154	69942.1344	5/8" STEEL BAR FD.	218	48481.7469	70381.8800	3/4" STEEL BAR W/CAP
50	47327.1381	69910.6515	1/2" IRON PIPE FD.	220	48600.3088	70474.9151	P.K.NAIL 1.4' N. OF ℄
51	47485.0571	69584.3423	1/2" IRON PIPE FD. 1.62' SE OF ℄	221	48588.7194	70185.5745	P.K. NAIL IN DRIVEWAY APRON
52	47798.8901	69526.2072	1/2" IRON PIPE FD. 0.55' SE OF ℄	222	48501.7413	69988.4715	P.K. NAIL IN DRIVEWAY APRON
54	48546.0446	71110.2453	1/2" IRON PIPE FD.	223	48451.7414	69705.1358	P.K.NAIL 4.7' N. OF ℄
55	48578.2230	71203.9114	1/2" IRON PIPE FD.	237	48119.7774	70520.1007	3/4" STEEL BAR W/CAP
86	49047.1271	70891.4013	1/2" IRON PIPE FD.	238	48192.8157	70858.8407	3/4" STEEL BAR W/CAP
90	48822.8174	69908.9466	P.K. NAIL FD.	290	48948.0443	70869.1963	3/4" STEEL BAR W/CAP
91	48916.0534	69977.0876	FINCH PIPE FD.	240	49430.6352	70899.2056	3/4" STEEL BAR W/CAP
				241	48513.2291	70044.2186	3/4" STEEL BAR W/CAP
				510	45824.2384	69978.2697	P/M LINE @ ℄
				511	45912.8397	69981.7939	EASEMENT CORNER
				520	46598.8676	69769.4038	3/4" STEEL BAR W/CAP
				521	46767.4275	69936.4037	3/4" STEEL BAR W/CAP
				522	46947.9369	69915.6565	3/4" STEEL BAR W/CAP

VICINITY MAP
SCALE : 1"=1000'

NOTES :

1. CURRENT TITLE REFERENCE :
   DEED REFERENCE : E.H.K, Jr. 6371 FOLIO 707, PARCEL 4
   OWNERS: EDWARD N. SILCOTT & JANICE L. SILCOTT
   DATE: FEBRUARY 9, 1982
   GRANTOR: EDWARD N. SILCOTT
2. CURRENT ZONING CLASSIFICATION : R.C.4 (SEE B.C. 200 SCALE ZONING MAPS NW12L & NW13L.)
3. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. 200 SCALE, G.I.S. SHEETS 057@2 & 057@3.
4. SOILS MAP : 2B
5. GROSS AREA : 48.7976 Ac.±, NET AREA : 48.7976 Ac.±
6. DENSITY : 48.797± * .2 = 9 LOTS ALLOWED
7. PROPOSED DENSITY : 2 LOTS @ 48.797± Ac.± = 0.04
8. WATERSHED : LIBERTY RESERVOIR
9. SUBSEWERSHED : N/A
10. REGIONAL PLANNING DISTRICT : 311
11. SCHOOL DISTRICT : 190 - CEDARMERE
12. TAX MAP: 57 BLOCK: 13 PARCEL: 330
13. TAX ACCOUNT NO. 0207580370
14. THERE ARE NO WELLS AND/OR SEPTICS LOCATED WITHIN 100 FEET OF THIS SITE, UNLESS OTHERWISE SHOWN HEREON.
15. THERE ARE NO UNDERGROUND FUEL OR PESTICIDE TANKS ON SITE, UNLESS OTHERWISE SHOWN HEREON.
16. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 15, 1975.
    THE DEVELOPER'S SURVEYOR CONFIRMS THAT NO PART OF THE GROSS AREA OF THIS PROPERTY, AS SHOWN HEREON, HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
17. TOTAL AREA OF PROPOSED LAND DISTURBANCE : 20,000 S.F.
18. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND RUNOFF BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
19. HOUSE DOWN SPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS WHERE FEASIBLE.
20. ADDITIONAL SUBDIVISION OF THESE PARCELS AND/OR LOTS MAY REQUIRE S-W-M CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
21. ALL SITE RUN-OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
22. A SOIL AND WATER CONSERVATION PLAN HAS BEEN PREPARED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT, WHICH ADDRESSES THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. SEE FARM PLAN NO. 57 P 330
23. AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED & KEPT FREE OF OBSTRUCTIONS.
24. MAXIMUM HEIGHT FOR BUILDINGS IS 35 FEET.
25. MAXIMUM COVERAGE FOR ALL BUILDINGS PER LOT IS 10%.
26. NOT MORE THAN 25% OF THE NATURAL VEGETATION MAY BE REMOVED FROM ANY LOT IN THE R.C.4 ZONE.
27. I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE COUNTY AGENCIES' COMMENTS DATED MAY 9, 2000 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES' COMMENTS.
28. THE EXISTING SECOND DWELLING [KNOWN AS #0140 DEER PARK ROAD] ON LOT 2/ REMAINDER IS A TENANT FARMER'S DWELLING AND SHALL REMAIN AS SUCH.
29. THERE ARE NO ZONING CASES ON FILE FOR THIS PROPERTY.
30. USE OF CONSERVANCY AREA IS AGRICULTURAL AND SHALL CONTINUE AS SAME.
31. THE OWNERS HAVE INVOKED THE INTRAFAMILY DECLARATION OF INTENT FOR FOREST CONSERVATION EXEMPTION.

NOTES :

32. THIS PLAN COMPLIES WITH THE DESIGN AND ENVIRONMENTAL RECOMMENDATIONS OF THE OFFICE OF PLANNING AND COMMUNITY CONSERVATION, AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PURSUANT TO THE STANDARDS OF SECTION 1A03.5 (B.C.Z.R.).

NOTE : EXISTING TENANT HOUSE IS LOCATED ON AND IS A PART OF LOT 2 AS SHOWN HEREON.

DETAIL : BOUNDARY & R/W LINE
SCALE : 1" = 50'

CONSERVANCY NOTES

REQUIRED R.C.4 CONSERVANCY AREA = 70% x 48.7976 Ac.± .... 34.1583 Ac.±
PROPOSED R.C.4 CONSERVANCY AREA ..... 34.1854 Ac.±
MAXIMUM R.C.4 BUILDABLE AREA = 30% x 48.7976 Ac.± ..... 14.6393 Ac.±
PROPOSED R.C.4 BUILDABLE AREA ..... 14.6392 Ac.±

WHEN A PLAN WITH FULL DENSITY IS PROPOSED, A PERMANENT EASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY PRIOR TO FINAL APPROVAL OF A PLAN. THIS EASEMENT SHALL RUN WITH THE LAND AND CONTINUE IN PERPETUITY. THE CONSERVANCY EASEMENT WILL BE GRANTED TO THE COUNTY OR SUCH OTHER AGENCY OR ENTITY WHICH THE COUNTY APPROVES AND SHALL PERMANENTLY RESTRICT FURTHER SUBDIVISION OF THE CONSERVANCY AREA. THE CONSERVANCY AREA AGREEMENT SHALL BE IN A FORM APPROVED BY THE COUNTY ATTORNEY, WHO WILL CONSULT WITH THE DIRECTOR OF D.E.P.R.M..

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 00-049-M

DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☑ Panhandle, exempt from Sections 26-202 to 26-206

P.D.M. CERTIFICATION
☑ Approved ☐ Disapproved
By: [signature] Date: 9/18/00

APPROVED, D.E.P.R.M.
By: [signature] Date: 9/11/00

S.M.
1-212
Filed for record
Date: SEP 25 2000
Time: 1 FOLIO 212
Clerk

MINOR SUBDIVISION PLAN OF THE "EDWARD N. SILCOTT PROPERTY"

2ND ELECTION DISTRICT
COUNCILMANIC DISTRICT : 3
DATE : JANUARY 19, 2000

OWNERS / DEVELOPERS:
EDWARD N. SILCOTT
JANICE L. SILCOTT
0136 DEER PARK RD.
REISTERSTOWN, MD. 21136

BALTIMORE COUNTY, MARYLAND
CENSUS TRACT : 4023
SCALE : 1"=100'

	Recd. Date	Acres
Original		5.00
Rev. # 1	6/21/00	5.00
Rev. # 2	9/11/00	5.00
Rev. # 3	9/18/00	5.00
SM	9/25/2000	48.7976 ac

PREPARED BY:
A. L. SNYDER SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744

COUNTY FILE NO. 00-049-M
JOB NO. 98082

REVISION : 8-1-00 ADD NOTE #32 AND CLARIFY CONSERVANCY LIMITS
REVISION : 7-24-00 ADD A NOTE, REVISE NOTE #16 & CONSERVANCY.
REVISION : 8-7-00 ADD CONSERVANCY % TO PROVIDE LOT 1
REVISION : 8-18-00 REVISE NOTES #6 & #7, ADD NOTES 26-31.

MSA SSU 1236-10738

#3

BALTIMORE COUNTY CIRCUIT COURT (Subdivision Plats, BA) Plan Book SM 1, p. 212, MSA_S1236_10738. Date available 2000/09/25. Printed 11/01/2017.