

ANN COLLINS

and

STEVE COLLINS

Plaintiffs

v.

LINDA ANN SENEZ

Defendant

\* \* \* \* \*

LINDA ANN SENEZ

Counter-Plaintiff

v.

STEVE COLLINS

and

ANN COLLINS

and

NATIONAL CITY MORTGAGE CO

Counter-Defendants

\* \* \* \* \*

**PLAINTIFF/COUNTER-DEFENDANT ANN COLLINS' ANSWERS TO  
DEFENDANT/COUNTER-PLAINTIFF SENEZ'S INTERROGATORIES**

TO: LINDA ANN SENEZ, Defendant/Counter-Plaintiff

FROM: ANN COLLINS, Plaintiff/Counter-Defendant

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\*  
\* Case No. 03-C-04-010227  
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a. The information supplied in these answers is not based solely upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged.

b. The word usage and sentence structure is that of the attorneys who in fact prepared these answers and the language does not purport to be the exact language of the executing party.

c. The Interrogatories have been interpreted in accordance with the Maryland Rules of Civil Procedure, plain English usage, and to the extent not specifically challenged by objection, the definitions and instructions included with the Interrogatories.

### **INTERROGATORIES AND ANSWERS**

1. Identify all persons whom you expect to call as expert witnesses at trial, and for each such expert, state the subject matter on which the expert is expected to testify, the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, provide a summary of the expert's qualifications, set forth the terms of the expert's compensation and attach to your Answers copies of all written reports of such experts concerning their findings and opinions and any available list of publications written by the expert.

#### **ANSWER TO INTERROGATORY NO. 1:**

Robert W. Matis, Property Line Surveyor; see his June 25, 2004 boundary survey.

2. Identify all persons who investigated the subject matter of this action on your behalf.

#### **ANSWER TO INTERROGATORY NO. 2:**

*Steve* County employees: The ones I have met are; Glen Berry, Earl Echarte and Keith Kelly. I know Steve has spoken to and met with many other county officials as I was present when he made the phone calls and we had conversations after his trips to Towson to meet with officials in permits, zoning, DEPRM and Code Enforcement.

3. Identify all persons who have given written or recorded statements concerning the subject matter of this action, state the date of each such statement,

identify the person taking the statement, and identify its present custodian.

**ANSWER TO INTERROGATORY NO. 3:**

Citations issued to Ms. Senez by Baltimore County officials. We also have copies of these citations. *SO NO FINES*

4. State whether you are aware of any written or oral statement concerning the subject matter of this action made by Plaintiff or any agent, representative, or employee of the Plaintiff. If so, state the substance of each such statement, the place and date when that statement was made, identify the person making the statement, and the person to whom it was made and all documents concerning the statement.

**ANSWER TO INTERROGATORY NO. 4:**

Assuming "Plaintiff" to mean Ms. Senez, we talked to Linda (Ms. Senez) on numerous occasions and told her that we did not want to bring the "County" into this *Lie* issue. She came to our home on the 10th of May to talk over the issues. *LIE MAY 9TH LAST TIME WE TALKED* We told her about Ms. Berry's visit, and told her that we did not want to put a stop on the job because *U<sup>e</sup>* of our friendship. We tried to compromise and told her we would give her the land in question and not pursue any county violations if she allowed us to take down the boathouse, which up until this fall had never been used. She said that that was there before we moved to 339. She said it is grand fathered and she would never be allowed to rebuild it. We told her we knew that when we bought this property, we did not have the wall, etc. in our view. *WALL THE SAME* We told her that Mr. Berry said she did not need a fence around the wall to meet code. *A THREE STEP RISE NEEPS A HAND RAIL* She advised us that she was an insurance agent and knew the *TRUE* ramifications of a lawsuit if someone fell off the wall. We reminded her that she had no fence on top of the "old" wall. She said she had bushes to prevent any falls. We claimed *ALWAYS INTENDED TO PUT ONE THERE*

*8 CITATION  
USED ALL  
4 YEARS  
SO NO BOAT  
SET SKIS*

*UNTRUE* that it was because of the increased height of the new wall, that she felt obligated to have a fence placed on top of the wall. She kept repeating that this new wall is no higher than the old wall and I kept repeating, than you don't need to build a fence on top of the new wall. We were at an impasse. We asked her to move the fence back to her property, as *Lie* we knew that the "neighbor friendly" relationships were history. She further stated that she could plant large trees to really block our view. *Lie*

*MAY 9th LAST TIME we spoke*  
She came over again on the 12th of May and told us she would not be blackmailed about the boathouse and or the construction project. She told us that the land in question meant more to her than it did us. She offered to buy the property and to have both properties re-surveyed because she knew that the construction equipment and workers dug up the mark. We told her that that was not an option because we could then no longer be able to use the ramp or the property. *Lie* *Lie* *NEVER USED UNAUTHORIZED*

5. Identify all persons not otherwise identified in your answer to the other Interrogatories set forth herein who have personal knowledge of facts that pertain to the subject matter of this litigation and set forth the nature of all such personal knowledge.

**ANSWER TO INTERROGATORY NO. 5:**

Mr. Tony Lhotsky was hired to fix the mistakes of the previous contractors *TO DO FINAL GRADING & LANDSCAPING* dealing with the grading, *?* (drainage on the top of the yard inside the wall) the grading away from the wall onto our property. He also redirected the water runoff from the driveway and front hard scape and the roof to our property. *?*

*GRADED  
FLAT*

6. State whether you and/or any mortgage lender of yours have any insurance under which a person carrying on an insurance business ("insurer") might be liable to satisfy all or part of a judgment that may be entered in this action, reimburse you

for payments made to satisfy such a judgment and/or to defend you against the claims made by the Plaintiff in this action; if so, identify each such insurer, identify each such insurance policy by its number and date of issue, and state the policy limits of the coverage.

**ANSWER TO INTERROGATORY NO. 6:**

We have title Insurance. Our attorneys are investigating if a claim can be made for some coverage. As of now, we know of no coverage.

7. If you contend that the Plaintiff, or any agent, servant, or employee of the Plaintiff, made any admission or declaration against interest, with respect to such admission or statement against interest, the name and address of the person making such admission or statement against interest, the substance of such admission or statement against interest, and the name and address of person to whom such admission or statement against interest was made.

**ANSWER TO INTERROGATORY NO. 7:**

Talking "Plaintiff" to mean Ms. Senez, see my Answer #4.

8. State the substance of all decisions concerning the subject matter of this action that you or others in your presence had with any party to this case and state when and where each discussion took place and identify all persons who were present.

**ANSWER TO INTERROGATORY NO. 8:**

See answers #4 and #5.

9. State whether, at any time during the fifteen-year period preceding the date of your answers to these interrogatories, you have been convicted of any crime other than a minor traffic offense. If so, for each conviction identify the court in which you were convicted and state the amount of any fine and the date and length of any incarceration imposed. For purposes of this Interrogatory, a conviction includes a plea of *nolo contendere* followed by a sentence, whether or not the sentence is suspended.

**ANSWER TO INTERROGATORY NO. 9:**

None.

10. State whether or not you have in your possession any photographs depicting the Disputed Property or any matter related to the Counterclaim and/or the Complaint, and if your answer is in the affirmative, describe the subject matter, keyed to each photograph, and set forth the name and address of the custodian of same.

**ANSWER TO INTERROGATORY NO. 10:**

We are in possession of photographs and our counsel also has others. The pictures are of the original wooden wall, <sup>SO DO I</sup> the newly constructed wall, fence and deck, the night lighting, the water run-off during a rainstorm, the surveyor doing his job, and the signs posted to keep us off our property. There is also a picture of my grandchild and me sitting on the ramp that we had frequently enjoyed using. Lie

11. Identify all videotapes, plats, diagrams, or other depictions of the Disputed Property or any matter related to the Counterclaim and/or the Complaint that are in your possession.

**ANSWER TO INTERROGATORY NO. 11:**

*Runs 343 From*  
We have a videotape of water pouring onto our property from the Senez property during a rainstorm. We also have 3 surveys of our property: one at the time of purchase, one for construction purposes, and one made this past summer. We have an aerial photo taken which depicts both properties, and a copy of the original neighborhood survey, which is also on file in the County Office. SO DO I

12. If you contend that you, or any of your predecessors in title, granted permission to the Plaintiff and/or any of her predecessors in title to use the Disputed Property, or any portion thereof, at any time since January 1, 1970, set forth all facts upon which you rely in support of that contention and identify all persons with personal knowledge of such facts.

**ANSWER TO INTERROGATORY NO. 12:**

If "Plaintiff" means Ms. Senez, none.

*CORRECT BECAUSE NO ONE KNEW IT WAS DISPUTED*

13. If you contend that you, or any of your predecessors in title, were in actual use or possession of the Disputed Property, or any portion thereof, or exercised control of same, in any manner, including, but expressly not limited to by maintaining the block wall on or abutting the Disputed Property, maintaining or erecting any fence on the disputed property, and/or providing any lawn care or maintenance thereon, at any time since January 1, 1970, set forth all facts upon which you intend to rely in support of such contention and identify all persons with personal knowledge of such facts.

**ANSWER TO INTERROGATORY NO. 13:**

*Lie* When we talked with Mr. Myers this fall, he told us that he and George Cook jointly decided to design and construct the wooden and block wall to make way for the boat ramp. Both they and their friends then used this ramp. We know that we had use of the boat ramp, and the side yard before the signs were posted to keep us off. The first sign was placed on our property on May 24, 2004. We even had a little bridge over to the property; however Ms. Senez's dogs used the bridge to come over to our yard and she *Lie* was afraid they would fall. She asked that we remove it – we did.

14. Identify all persons claiming title to the Collins Property, as record owner or by any other claim of right, at any time since January 1, 1970.

**ANSWER TO INTERROGATORY NO. 14:**

We know the Cooks were the owners from whom we purchased the property. We obtained a clear title, free of all claims, when we settled in August 2000.

15. Identify all correspondence by and between you and the Plaintiff.

**ANSWER TO INTERROGATORY NO. 15:**

Taking "Plaintiff" to mean Ms. Senez, Ms. Senez had a Peace Order served on us

in June and we appeared in District Court on June 26, 2004. Both parties agreed to no phone calls, no speaking, no trespassing and Ms. Senez was to remove all No trespassing signs. According to the agreement, everything else was to remain status quo. On June 26, Mr. Woodard pulled up the property stake that was placed by the surveyors we paid to re-survey the property line between 339 and 341 Worton Road. Ms. Senez also came on our property on August 1, which was in violation the Peace Order. They also placed a 12-inch high extension on part of the fence on August 18, 2004. *Yes For The dog*

*lie*  
*why would I*  
*42* The County Officials told us that after the survey that Ms. Senez would be cited and asked to move the fence. Once again, we were told that the County would not get involved. Ms. Senez placed the various signs (Keep Out, Posted No Trespassing) on her fence, which is on our property. This action occurred after we asked her to move her *lie* fence. The police were called when we stood on our wall, reached the signs and tore them down. At first, I did not understand what was happening. I never knew that someone could claim another's property, especially when we are paying a hefty tax bill for waterfront footage. *18" at most*

16. Identify all plats, surveys, boundary surveys or other such documents depicting the Collins Property, the Senez Property, and/or the Disputed Property that have been prepared at any time since 1970 and identify the present custodian of all such documents.

**ANSWER TO INTERROGATORY NO. 16:**

Robert Matis & Brian Diety Surveys, 2004.  
Deegan & Spellman, Lauson Surveys, 2000.

17. Identify all correspondence by and between you and any other person, excluding your counsel, regarding the Disputed Property, and/or the subject matter of this action and identify the present custodian of all such correspondence.



**ANSWER TO INTERROGATORY NO. 17:**

I only know of verbal communications. Perhaps one or more of the County Officials kept records or diaries of their calls and visits to 339 Worton Road and 341 Worton Road.

18. Set forth all facts upon which you rely in support of your allegation in the Complaint that any structure erected and/or maintained by the Plaintiff obstructs any water view enjoyed by you at any time, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 18:**

*NOT high* Taking "Plaintiff" to mean Ms. Senez, we have pictures, which show how much higher the new replacement wall and the new fence topping this wall are, and the deck on the front of the wall, all of which are now in place on the Senez property. We asked Ms. Senez why she had to raise this deck above the wall and then add the fence. Many of our friends and family are aware of the alterations in the height of the wall, porch and fences, which obstruct our view to the open water of Norman Creek.

*So are my friends*

19. Set forth all facts upon which you rely in support of your allegation in the Complaint that the Plaintiff installed a new sump pump system and/or downspout(s) on the Senez Property which caused and/or contributed to discharge and/or runoff onto the Collins Property, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 19:**

Taking "Plaintiff" to mean Ms. Senez, we know she installed a new sump pump system because when the basement flooded the original pump was destroyed. The original drain

*Replacement Sump Pump*

How?

emptied out a white PVC pipe that was approximately 3 to 4 feet above ground, existing out of the north wall. Ms. Senez took a picture of the new drainpipe to which Mr. Collins had added an elbow to redirect the pumped water back onto her property. We have a picture, which clearly shows the drain against our wall, which is totally against the Baltimore County Code. It is obvious that the piping is new because the property was totally torn up with backhoes and construction equipment, plus the white pipe is brand new. Mr. Tony Lhotsky of *Enviro-Art Horticulture* installed sod on the north side of the house and within days we experienced an especially hard rain. The water raced down the Senez driveway, her rain spots and front yard (which is mostly black topped) with such

*My property there*  
*Lie* force that the sod was completely pushed down the yard. Mr. Lhotsky returned to address the drainage issue before he replaced the sod. Steve and I watched as he added an extension to the downspout and a drain at the base of the black top just before the dirt part of the side yard. These "pleated" 4-inch pipes were directed towards our yard/wall and then buried and the sod replaced. The sod had to be replaced again this fall after one of the hurricane-induced rainstorms. Once again the force of the water moved the sod – it was mostly due to the rain, not because of down spouts. We have a video of the rain streaming down the Senez property during this storm. We also have still pictures of rain pouring onto our property during previous rains.

*my wall their*  
*Lie*

*Planted # Bushes*  
*Lie* Ms. Senez had her driveway widened by at least a third with no permits. We were told when we built that we could not enlarge our driveway because of the ratio of pervious to impervious sections of our property. We had to "give back" sidewalks and a concrete pad because of this code for waterfront property. Mr. Kelly told us that these

areas were monitored by satellite and the EPA could tell if we cut down a tree between our house and the water. See aerial photo.)

20. Set forth all facts upon which you rely in support of your allegation in the Complaint that the Plaintiff installed lighting directed at the Collins Property, describe all such lighting fixtures and the locations and dates of installation thereof, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 20:**

Taking "Plaintiff" to mean Ms. Senez, the lighting is a problem because it is on all night. The light in the boathouse is on 24/7. These lights shine in our windows and it

is especially difficult to sleep with the windows open and the shades open to create airflow and to save energy. The lights have annoyed my sister and my daughter, who have both slept in the front bedroom. There are spotlights on the garage, front lights on the porch, a light by the basement door and lights in the boathouse. Ms. Senez installed a new light to replace the spotlights by her basement door and we were initially delighted because we saw it had a motion detector, however, it was deactivated by Ms. Senez or her agent.

21. Set forth all facts upon which you rely in support of your allegation in the Complaint that the Plaintiff installed security cameras directed at the Collins Property, describe all such cameras and the locations and dates of installation thereof, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 21:**

Taking "Plaintiff" to mean Ms. Senez, the security camera is located at the north

*about 110' from their home*

corner of the wall closest to the water and is directed at us. (I recognize it because I wrapped three of them last Christmas to be given to Ms. Senez from Mr. Woodard.) We entertained twice last June and there were many questions about the camera and the three signs (Posted, No Trespassing and No Trespassing) aimed directly at our deck. Many boaters stopped to look at these signs, which were malicious and placed with the intent to cause embarrassment and damage to our reputations.

*A Host*

22. Set forth all facts upon which you rely in support of your allegation in the Complaint that you demanded that the Plaintiff remove any fence, deck, retaining wall or other structure, set forth the dates of all such demands by you, the manner in which such demands were made, by whom and to whom such demands were made, if oral identify all persons present at the times of such demands, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 22:**

*3 times*

Taking "Plaintiff" to mean Ms. Senez, as the construction was in progress, we spoke on numerous occasions to both Ms. Senez and Mr. Dave Woodard. As they were finishing the wall, we realized that it was much higher *lie* than the one it replaced. We asked Dave if he was going to build a fence on top of the wall. We told him that it would really impinge on our view if this were to occur. He told us that if they did put a fence on the wall it would be very small *lie* and the spindles would not be close together. He only told us that the steps would be parallel with the wall on the front/water side. He purposely misled us by not being honest and sharing with us how they planned to finish this project. Steve and I became concerned about what was happening so he called the County and spoke with Glen Shaffer in DEPRA. He wanted to find out if any permits had been issued

*Why would I have to tell them anything*

to the construction project, which would allow us to be privy to what the finished project would be. These phone calls and conversations took place during the last week in April 2004 and the first week in May. Glen Berry, an inspector with Baltimore County, came down to access the construction project and asked us if we wanted him to put a stop on the project on that day. We told him no, because we really did not want to destroy our friendship (For further classification see answer number 4).

*They did stop construction*

23. Set forth all facts upon which you rely in support of your allegation in the Complaint that the Plaintiff, by and through certain contractors, trespassed upon the Collins Property to install certain structures, set forth the dates of all such, alleged trespass and the contractors allegedly entering onto the Collins Property, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 23:**

Taking "Plaintiff" to mean Ms. Senez, during the construction of the wall, numerous contractors and their equipment were on our property (see above where Ms. Senez admitted to Steve and me that the survey marker <sup>*out right he*</sup> was removed by her contractors).

Since they have taken over our land and will not allow us to use any of our ramp and side yard, many contractors have equipment down, hung kayaks from the fence, which is on our property etc.

24. Set forth all facts upon which you rely in support of your allegation in the Complaint that the Plaintiff, by and through certain contractors, refused to cease any trespass upon the Collins Property after demand by you, set forth the dates of all such demands by you, the manner in which such demands were made, by whom and to whom such demands were made, if oral identify all persons present at the times of such demands, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 24:**

11 ✓ Taking "Plaintiff" to mean Ms. Senez, because we were trying to be good neighbors, we did not demand or request anyone to stay off of our property until we asked Ms. Senez to remove her fence from our property. Steve called Mr. Berry about the fence. Steve had researched the Baltimore County codes for fences and found that not only was the fence on our side but that in order for it to be on the property line, it was 48" high many inches too high. Mr. Berry said that if this was true, he could issue an Order for it to be removed. Once Again the County Officials let us down. Mr. Berry told us that because we were possibly feuding, the County Officials would not enforce any violations. This occurred sometime in the middle of May 2004.

25. Set forth all facts, upon which you rely in support of your allegation in the Complaint that any structure erected and/or maintained by the Plaintiff encroaches upon any "buffer management area", identify all personas with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegations.

**ANSWER TO INTERROGATORY NO. 25:**

Deck Across The River The deck, which was constructed on the front of the concrete wall, is in violation of the EPA Code. It is constructed too close to the waterway known as Norman Creek.

26. Set forth all facts upon which you rely in support of your allegation in the Complaint that any acts by the Plaintiff have caused a diminution of the use and value of the Collins Property and/or have caused you immediate, substantial and irreparable injury, set forth the precise nature and/or amount of such diminution and/or injury, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 26:**

After numerous attempts to stop the work on the fence, deck and steps because of

lack of permits, no engineered drawings (another Code violation because of the height of the wall), we received a visit from Mr. Berry and his supervisor, Mr. Earl Echarte to discuss all of the above. We asked them why we had to jump through all the hoops the County Code mandated. We had to apply for numerous permits to tear down the existing dwelling at 339 Worton Road electrical, sewage, asbestos just to name a few. We submitted drawings and plans to the County. Mr. Kelly came down with his measuring wheel to determine the pervious/impervious ratio. We were told how close to the water we could build, etc. To mention again, we were told not to cut any trees down because the dwelling and the water that we had to "give back" a concrete patio and pad by the shed. And we were also told not to enlarge our driveway. During construction our side door was wallpapered with permits. At any rate, Mr. Berry and Mr. Echarte told us that they were instructed by the County Executive were to fast track all work, which resulted from the damage caused by Hurricane Isabel. We then pressed and asked who was protecting our rights and us. We were told as a direct quote by Mr. Echarte, "Some people have taken advantage of the situation." We were encouraged not to force Ms. Senez to apply for a variance because if we did that, we could be asked to apply for a variance on our shed, which is partially in the front yard. We tried to explain that if the boathouse next door is "grand fathered," why would our shed not be as well. We received no answer on that. They were very cordial and extremely polite but they definitely said the County would not get involved.

We have not been able to use the boat ramp, which our grandchildren, dog, friends etc. used for swimming and for getting into our canoe. We have a diminished

Boat house  
Extremely  
different

Stop on my  
property

live

live



view to the open waterway from our deck, kitchen bay window, living room windows <sup>— lie</sup> and our bedroom bay window. We even had the living room turned on the site as to take full advantage of the view of the open water. We retired to our waterfront home to be able to take time to look and enjoy the view by ourselves and while entertaining our <sup>should have picked a better view</sup> friends and family. The no trespassing signs were most obnoxious and were posted for two functions of over 50 friends and garden club members.

Due to the stress of this legal manner with our “neighbors,” my physician, Dr. Mellis has placed me on anti-anxiety medication. <sup>she's a ho</sup>

27. Set forth all facts upon which you rely in support of your allegation in the Complaint that you are entitled to the enjoyment of any water view through or across the Senez Property, identify the precise nature and/or location of the water view to which you claim you are entitled, identify all persons with personal knowledge of such facts and identify all documents upon which you intend to rely in support of such allegation.

**ANSWER TO INTERROGATORY NO. 27:**

See answer number 26.

28. Identify all documents not previously identified upon which you intend to rely in support of any claim or defense in this matter and identify the present custodian of each such document.

**ANSWER TO INTERROGATORY NO. 28:**


Three surveys; aerial picture from County and neighborhood survey.

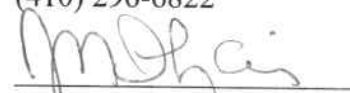
I SOLEMNLY SWEAR under the penalties of perjury that the foregoing Answers to Interrogatories are true and correct to the best of my knowledge, information and



belief.

  
Ann Collins, Affiant

  
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