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January 18, 2005

Ms. Linda Senez
341 Worton Road
Baltimore, MD 21221
RE: Collins v. Senez

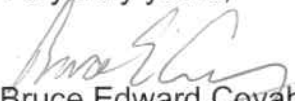
Dear Ms. Senez:

Enclosed please find a copy of correspondence dated January 12, 2005 from counsel for Steven and Ann Collins, together with a draft version of their Answers to Interrogatories. Please review same at your first convenience, and contact me so that we may discuss the various responses (particularly the information regarding Arthur and Joan Myers' testimony regarding the construction of the retaining wall and use of the boat ramp and Tony Lhotsky's suggestion that he was asked to exaggerate his knowledge regarding the use of the property).

Please also be advised that the pre-trial conference in this matter, which was previously scheduled for March 1, 2005, has been rescheduled for March 8, 2005 at 9:00 a.m. Please mark your calendar for the foregoing date and time and be prepared to be available throughout the morning.

As always, please do not hesitate to contact me should you have any questions. Thank you for your continued courtesy and cooperation.

Very truly yours,


Bruce Edward Covahey

Bec/jr
0118jr43
Enclosure

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January 12, 2005

Bruce Edward Covahey, Esquire
614 Bosley Avenue
Towson, MD 21204

Re: Collins v. Senez
Subject: Discovery

Dear Bruce:

Thank you for your January 10 letter. Coincidentally, I am in the process of finalizing the draft Answers of our clients which they provided to us last month to the Interrogatories from your office. Accordingly, please find enclosed a copy of the draft Answers of Steve Collins to your Interrogatories.

I realize our Answers are approximately one month overdue, but, then again, since my Interrogatories (first set) were also served in November, I would hope that you are working on the Answers of Ms. Senez in like fashion.

Kind regards.

Sincerely,



J. Calvin Jenkins, Jr.

JCJ:ml
Enclosure

ps: Please let me know about deposition dates in February and March.



DRAFT

ANN COLLINS

*

IN THE

and

*

CIRCUIT COURT

STEVE COLLINS

*

FOR

Plaintiffs

*

BALTIMORE COUNTY

v.

*

LINDA ANN SENEZ

*

Case No. 03-C-04-010227

Defendant

*

* * * * *

LINDA ANN SENEZ

*

Counter-Plaintiff

*

v.

*

STEVE COLLINS

*

and

*

ANN COLLINS

*

and

*

NATIONAL CITY MORTGAGE CO

*

Counter-Defendants

*

* * * * *

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

TO: LINDA ANN SENEZ, Defendant/Counter-Plaintiff

FROM: STEVE COLLINS, Plaintiff/Counter-Defendant

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:

None at this time other than Robert W. Matis, Property Line Surveyor; see his June 25, 2004 boundary survey attached to my Complaint as Exhibit #2.

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

ANSWER TO INTERROGATORY NO. 2:

Baltimore County

Glen Barry – Building Code Enforcement

Earl Echart – Building Code Enforcement

Keith Kelly – DPREM

Jeff Parlow – Zoning

June ? - Zoning

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:

Citation Number 04-3295 – 5/10/04 for construction and on 6/15/04 for storm water runoff issued by Glen Barry to Linda Senez.

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 INERROGATORY NO. 4:

Understanding “Plaintiff” to mean Ms. Senez, on May 10, 2004 Linda Senez came to our house to discuss the new retaining wall and its affects on our visibility of water view, considering it was already (in her opinion) partially blocked by the existing boathouse. She attempted to convince us that it was no higher than the original tie wall. She suggested that perhaps she would accommodate our displeasure of the situation by lowering the height of the boathouse in a couple of years and then she apologized for the contractors removing the property line boundary pin and that she would pay for a new survey and replace the boundary pin and then offered to purchase the now questioned

“disputed property.” She also stated that the piece of property was worth more to her than it could possibly to us.

All of the above statements were made in the presence of my wife, Ann Collins.

On May 12, 2004, Linda Senez came over to our house again to discuss her intentions of not blocking our view to the water. She attempted to convince us that the new wall will have an eighteen-inch high fence on top of it but the spindles would be spaced to provide a “see through effect” and would not block our view anymore than the previous railroad tie wall without a fence on top of it would, and she said she would move her fence back to her property line.

We were not convinced of her true intentions and I told her to remove her fence from our property as soon as possible and that we would pursue with Baltimore County to stop any further construction and that any further neighborly accommodations would cease.

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:

The prior owners of 341 Worton Road property; Arthur and Joan Myers.

They have stated that the questioned “disputed property” was established as a collaborative effort between Mr. and Mrs. Cook and them to install a retaining wall off

of the property line to accommodate the backing of a boat trailer through the Myers property to the newly constructed co-owned boat ramp. The retaining wall and grading took place several times until they succeeded in maintaining its current location. Both property owners used the property for several years.

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:

Unknown.

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:

Refer to Answer number 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:

I had discussions with Tony Lhotsky, a neighbor and landscaper who performed the back fill and grading, installation of the storm water drainage piping and sod installation of the property portion of the complaint. He initiated the conversation in our yard after he learned of our dispute with Linda Senez and Dave Woodard. He stated to me that he was requested to exaggerate his knowledge of ownership of the boat ramp. He told me that he has been in the neighborhood for many years and the boat ramp had always been there, but he had no knowledge as to the cohabitation of the ramp, but was requested by Dave Woodard to exaggerate its limited use to the 341 Worton Road property owners. He told Tony that if he would accommodate his request he would get Tony additional landscaping contracts. Tony stated to me that he told Dave Woodard that he would not lie for him. Tony also complained to me that Linda Senez or Dave Woodard still owed him payment for work he did for them last year, Our conversation took place at the end of May 2004.

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:

No.

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:

Photographs showing:

New retaining wall with fencing.

Hurricane Isabel flooding, which shows relative elevation of old retaining wall.

Placement of security camera and its intrusion.

Placement of outdoor lighting and its glare.

Flooding of storm water from drainage systems from 341 property.

Placement of boundary pin by surveyors.

Removal of boundary marker by Dave Woodard.

Construction work being performed after citations.

Placement of intimidating No Trespassing Signs.

Placement of "disputed fence line" and property.

The photographs are possessed by legal counsel or ourselves.

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:

The documents are possessed by legal counsel our ourselves; they include:

Photographs as described above.

Videotapes of storm water flowing into our property and over our bulkhead.

Land surveys.

Aerial photo.

Diagram of increased height of new retaining wall over old retaining wall.

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:

No one gave Ms. Senez permission to use the “disputed property” or her predecessor – Arthur and Joan Myers (reference Answer Number 5).

The location of the fence was permitted by our ideological naivete of neighborly accommodations.

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:

Refer to Answer Number 5.

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:

George and Madeline Cook.

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

ANSWER TO INTERROGATORY NO. 15:

Understanding "Plaintiff" to mean/include Ms. Senez as the Counter Plaintiff,
none.

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:

In our possession are boundary surveys from:

Robert W. Matis – 6/25/04

Brian R. Dietz – 6/8/04

William Deegan and Associates – 11/14/00

Spellman, Larson and Associates – 8/9/00

Ariel photo from Baltimore County obtained from Keith Kelly – natural resource specialist from DPREM.

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:

Written correspondence, none. Verbal correspondence with Tony Lhotsky about his presence at District Court for the Peace hearing. He said he was asked by Ms. Senez to attend to testify that he has been in the neighborhood for thirty years and that the ramp has been there that long.

He had no information as to its shared use.

Arthur Myers, previous owner of the Senez property. He stated that he and George Cook, the prior owner of the Collins property, collaborated in the construction of the existing retaining wall, the boat ramp and grading resulting in its shared use for many years. The offset in the retaining wall further over into the Collins/Cook property was essential to allow for retaining the higher grade/slope and space required for the width of the boat trailer and vehicle between it and the old wooden retainer wall.

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:

Photographs showing old view versus the new higher obstructed view of the new

wall, fencing and decking. Again, "Plaintiff" is taken to mean Ms. Senez.

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:

With "Plaintiff" meaning Ms. Senez, the sump system and the downspout have been in existence in some form or other prior to the replacement of the retaining wall, but since the grading level against the house was increased, and prior to the new sod, which had to be replaced three times from the excessive storm water runoff damage from their driveway and roofing area which drain onto it, the discharge piping had been extended to the edge of the property line. The force of water discharging from the sump pump flow eroded under and through the existing retaining wall, allowing much of Senez storm water runoff to pond in our lower front yard and overflow our bulkhead.

Tony Lhotsky has personal knowledge, he was the landscaper who lives in the neighborhood who did the backfill/grading, the piping extensions and the installation of the collection drain at the lower end of the driveway after he learned of the forces of the storm runoff had removed 20-30 feet of newly laid sod.

We have videos and photographs of water flowing from the driveway, downspouts and sump pump system.

Also Glen Barry and Earl Echarte of Baltimore County Code Enforcement with

Citation Number 04-3295.

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:

Again, taking "Plaintiff" to mean Ms. Senez, lighting fixtures of one sort or another have existed at various locations on the Senez property. The boathouse has a 24/7 sodium vapor, large-wattage, unshielded fixture.

On the lower side entrance to the basement there was a two-headed flood light of which one of the flood lamps was directed towards our house, until the fixture was replaced with a single bulb coach lamp fixture and illuminating light in 180 degrees from the side of the house from dusk until dawn disturbing our night vision and water view. Two coach lamp fixtures on the porch are on from dusk until 4 AM.

Two-headed spotlights are on each end of the garage and are on from dusk until dawn.

One motion sensitive lamp on the side of their garage.

Persons with knowledge:

Ann Collins

Todd Senez

Linda Senez

David Woodard

Supporting claim of lighting pollution with photographs.

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:

Again, assuming "Plaintiff" means Ms. Senez, the security camera was installed by Dave Woodard on 5/28/04 located on the corner part of the upper fence on top of the new retaining wall aimed at our property. We have personal knowledge of two other cameras and a monitor because my wife wrapped them for Dave Woodard as a Christmas gift to Linda Senez in December 2003. We don't have knowledge of what they are observing or if they are being used to invade our privacy.

Persons with knowledge:

Visiting friends

Ann Collins

Dave Woodard

Todd Senez (father)

Linda Senez

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:

I DIDN'T
BUT SO WHAT
IF I DID
I CAN CHANGE
MY MIND

Assuming again the "Plaintiff" means Ms. Senez, on May 10, 2004, Linda Senez came to our house to discuss the retaining wall. Present were Ann Collins (wife), Linda Senez and myself. She made an attempt to convince us that the new wall did not obstruct our view of the water any greater than the old wall. She proceeded to tell us that she was going to install an 18-inch high railing to prevent the dogs from falling off the new retaining wall but the spindles would be spaced apart so we could see through them easier.

Our response was for her to give us back some of the water view we had by removing the unusable boathouse and we will forget about challenging the variances for the retaining wall and deck.

We also had discussions about the boundary pin, which was removed by her construction of the wall. She replied that she would be willing to have the property lone resurveyed and also that she wished to purchase the now "'disputed property' because it meant more to her than it did to us."

On May 12, 2004, Linda again came to our house for further discussions about the new retaining wall etc. I told her that our water view was very important to us in that this is our retirement home and the obstructed view would diminish the scenic value and

resale value of our property. I suggested that I would give her the now "disputed property" and pay for the removal of the boathouse. Her response was that she was not going to be blackmailed about the boathouse. I then demanded she remove her fence from our property.

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, November of 2000 to install a fence on our property, which Linda Senez stated she had to have to keep her dogs enclosed. We, being accommodating neighbors, allowed it to take place.

Again in November 2003 through May 2004 during the removal and installation of the retaining wall, grading and sodding, resulting in the removal of the property line boundary pin.

Persons with knowledge:

Ann Collins

Dave Woodard

Todd Sene

Linda Senez

Arthur Myers

Joan Myers

Supporting documents include surveys, aerial photographs and personal photographs.

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:

Taking once again "Plaintiff" to mean Ms. Senez, when her contractors came onto our property we never demanded they cease their passing, we considered ourselves to be good, non-complaining accommodating neighbors and ignorant to their deception at that time.

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 persons 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:

Taking "Plaintiff" to mean Ms. Senez, the Baltimore County Buffer Management Plan Regulation pertaining to the buffer management areas in the Chesapeake Bay critical areas.

Produced by Baltimore County Department of Environmental Protection and
Resource Management. Revised Edition – February 4, 1998.

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:

Taking "Plaintiff" to really mean Ms. Senez, obstructed water view with new higher retaining wall with fence on top and reduced property value.

Restricted use of property including boat ramp.

Personal embarrassment generated by their use of No Trespassing signs posted on our property.

Allowed storm water runoff to erode our property including bulkhead.

Our privacy being invaded by the security cameras intended to intimidate us.

Reduction and obstructing night vision of our remaining water view by the constant glare from the outdoor "lighting pollution."

Persons with knowledge:

Baltimore County -Code Enforcement

Environmental Protection

Zoning

and Surveyors

Arthur and Joan Myers (previous owners of 341 Worton Road)

Tony Lhotsky (landscaper and neighbor)

Ann Collins

Lisa Senez

Todd Senez

Dave Woodard

Myself

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:

Our property was purchased with a water view greater than is now possible with the increased height of the new replacement retaining wall and fence, which is nearly five feet higher.

The southeasterly view and wider body of Norman Creek has been further obstructed.

Persons and documents all previously mentioned.

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:

I object to this Interrogatory as being overly broad, vague, confusing and overly burdensome. Further, the requisite particularity necessary for me to answer is not defined enough for me to avoid guessing in order to frame an answer.

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.

STEVE COLLINS, Affiant

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Towson, Maryland 21204
(410) 296-6822

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ATTORNEYS FOR PLAINTIFF