Outline of Collins Inconsistencies

**BACKGROUND SUMMARY:**

- 08/1973 Cooks purchased 339 Worton Rd.

- 04/06/81 The property line wall was there before Mr. Myers purchased the property in 4/6/1981

- 1981-1982 Mr. Myers concreted the boat ramp and northen bulkhead.- tied into Cooks

- 11/2000 The fence along the property line wall was put up before I settled in November 2000.

- 11/2000 The wire fence gate along the ramp was put up the same time, November 2000.

- 06/22/02 -I repaired the boat ramp. The tide was undermining the boat ramp..

- 07/14/02 I replaced the wire gate with a wood gate on.

- 11/07/02 I was retained by the Collins as their insurance agent.

- 09/18/03 Hurricane Isabel.

- 12/20/03 Replacement retaining wall construction started.

-12/24/03 We all went to dinner together at the Driftwood Restaurant

- 12/28/03 Collins had an open house and I went

- 01/05/04 Retaining wall finished.

- 04/28/04 Our relationship was cordial and friendly up until this point.

- 05/09/04 The Collins told me about the property line and that half the boat ramp was theirs.

- 06/03/04 Keys we had to one each others houses were returned.

- 06/08/04 I obtained a survey of my property.

- 06/16/04 I had to file for a peace order. Court was 6/25/04

- 06/25/04 Collins obtained a survey of their property.

- 09/28/04 The Collins filed suit.

- 04/05/05 The Collins sent me a demand letter.

-10/20/05 hung nosey neighbor sign

-11/02/05 hung Rolling Stone tongue

- 11/07/05 Collins canceled the insurance policy that I wrote for them.

- 06/27/06 The property line fell because Collins plugged all 10 weep holes with concrete.

-10/25/06 Mr. Myers deposition was taken 10/25/06

-12/08/06 We went to trial.

I believed that the property line wall was the property line. There was no reason for me not to believe that as the property on my side of the wall also extended out further than the Collins. The Collins were upset with the replacement of my retaining wall after Hurricane Isabel. They had gone to Baltimore County numerous times to complain as stated in their own trial transcript. After the Collins advised me of the property line in the front in April 2004, I went to Baltimore County to research it. The County explained that the Collins had been there prior to me. There was an areal photo where the property overlay was askew and inaccurate. It appeared that half the boat ramp belonged to the Collins. It wasn’t until after that time that the Collins said anything to me about the property line as will be explained below.

The wall didn’t become an issue until 2004. I had to replace a creosote railroad tie retaining wall on my property damaged by Hurricane Isabel. The Collins were unhappy about the construction and in their quest to have the work stopped, discovered that the property line wasn’t the wall which physically separates our two properties. They decided to use this information in an effort to have me take down my boathouse which has been there since the 1930's, to enhance their view across my property. Their attorney wrote me a letter on 4/5/05 which I’m enclosing, since I think it sums up a lot of things.

**COURT:**

#1

The Collins, in court oath, created a story of the property line wall and the retaining wall on my property being necessary to support a boat ramp situation for co-operative use between the Cooks, the Collins predecessor, and Mr. Myers, my predecessor. They also stated, since there was a jog in the retaining wall, there had to be a jog in the property line wall. Stating this is the only way a boat could be taken down the side of my house to the boat ramp. However, the property line wall was there prior to Mr. Myers, my predecessor, buying the house. This can be confirmed in Mr. Myers deposition and in a February 10th, 1984 zoning variance obtained by Mr. Mr. Myers for a garage. The variance states walls on both sides of the property when Mr. Myers purchased the property. Mr. Myers deposition states that after buying the house in 1981 he built the retaining wall. Consequently, the jog in the property line wall had nothing to do with the retaining wall and only proves that Mr. Myers was unconcerned about the jog in the retaining wall interfering with maneuvering a boat down the side of the house. The Collins provided no proof of their statement.

#2

The Collins stated, in court, the jog in the property line wall was three feet and the jog in the retaining wall was three feet, they mirrored one another. In fact the jog in the property line wall is nineteen inches and ten of those inches are my property. This is supported by the survey in evidence. We both had surveys done in June 2004. The retaining wall was about a foot, supported by Mr. Myers deposition and pictures I have. The Collins provided no proof or verification of their statement.

#3

The narrowest area on that side of the house is between my chimney and the Collins shed. If anything would dictate a boat being maneuvered, that would be the area. Mr. Myers deposition states he thought the property line wall was there for controlling the drainage, runoff and erosion. It had nothing to do with a boat ramp. My attorney, the Collins attorney’s and Judge Souder all mention the fact that Mr. Myers deposition says the wall was there when he bought the house and that the property line wall had been there for twenty years. But none of them put together the fact that if the property line wall was there when Mr. Myers purchased the property, it would be impossible for Collins story to be true. Mr. Myers’ deposition was admitted as evidence in entirety.

Ironically, The Collins Court of Special Appeals brief September 2007 page 2, says the property line wall was there when Mr. Myers purchased the property. This totally negates their testimony in trial court.

#4

The Collins stated , in court, that I didn’t have permits to rebuild the retaining wall after Isabel took a toll on it, September 19th, 2003. They stated that it was only after the fact that I obtained permits and I wouldn’t have been able to get permits had I applied first. I was advised by Baltimore County that we were on a fast track after Isabel and to start building and get the permits later, since they were inundated. That’s what I did. Construction started December 2003. Permits were acquired 5/11/04, prior to the Collins filling suit. The wall was inspected by Baltimore County and approved. The Collins continually protested the wall construction. They also protested a small landing and wood deck off the wall and I had to file for a variance, which wasn’t obtained until 3/29/07. They continuously stated this blocked their view but pictures admitted in trial court by me disproved that. Collins provided no proof.

#5

The Collins claimed in court that the replacement retaining wall I constructed is higher than the one prior to Isabel and it blocks their view. The upper level ground is the same height it always was. The old creosote railroad tie wall sloped down along the northern side about a foot. It also sloped down in the front or eastern side about a foot. To help prevent future flooding I eliminated the sloped area during construction and brought the wall up to ground level. The Collins stated that the retaining wall and railing blocked their view and that I didn’t need a railing on a five foot high retaining wall. They however have a railing on their deck and it’s probably only two feet high. I have six different ways to prove the upper ground level is the same height. Again, Collins provided no proof.

#6

The upper level area of my property is now smaller. The Collins had no documentation to support there claim of the higher wall. I have pictures before, during and after construction to substantiate the height, along with several other ways to determine the pre and post retaining wall height. The wall had to be replaced after Isabel, the ground behind the creosote railroad tie walls

washed out. The wall was unstable. Collins objected to the idea that Isabel damaged the wall. FEMA inspected and gave me a small amount of money to help replace the wall. The Collins didn’t provide any proof of their statements.

#7

The Collins stated, in court, that there were citations against my property. In fact there were none. Baltimore County had issued a citation when the Collins complained about my sump pump drain emptying on their property. The citation was rescinded when I showed Baltimore County that the drain was on my property, the wall it ran to and a small area on the other side of the wall, are also my property. This can all be verified by Baltimore County.

#8

Along these same lines, The Collins stated in court that runoff from my property was damaging their property and their bulkhead. They had continually complained to Baltimore County about same. Baltimore Countys’ files, for a two year period of inspections, 2004 to 2006, show there was no damage to the Collins property resulting from my property. The Department of Natural Resources were also called by the Collins during that time. DNR confirmed no evidence of damage resulting from my property. This was all prior to the trial date. In fact there is no evidence to this day, even though the property line fell over in 2006. Collins provided no evidence.

#9

The Collins testified in court that they plugged the ten weep holes in the property line wall sometime after 2004 because of the damage it was allegedly creating to their property. The property line wall fell in June of 2006, because they plugged the weep holes in a wall that was 52 inches high.. The Collins claimed the wall fell due to the massive amounts of water coming from my property. I get the runoff from the Collins property in the back and the Lengsfeld property on the other side, all the way down. I also get the runoff from Worton Road. Massive amounts of water couldn’t just originate from my property alone. Mr. Collins is an engineer, according to his testimony. Plugging the weep holes was just a prescription for the wall falling. According to Baltimore County I can’t be held accountable for natural runoff. I believe they plugged the weep holes to knowingly cause the wall to fall since it blocked their access to my side of the wall.

#10

The Collins claimed the house, they built in 2000-01, is skewed to the right in order to take advantage of a better view across my property and the wider view of Norman Creek.   There house is really skewed to the left. This is supported by the joint trial exhibit #4 a Topographical map from Baltimore County GIS department. The Collins provided no evidence to support their claim which exhibit #4 negates.

#11

The Collins claimed that I put up lights to harass them and that I didn’t have lights on the other side of my house. I have pictures from 2001 showing the lights on the other side of my house and they are still there. I have pictures disputing the Collins claims of light pollution and the distances the lights are from the closest corner of their house , 100 watt bulb 87 ft. away. There is only one coach light on that side of my house. Their house also sits higher. The Collins didn’t provide any evidence of their statement. Much of the testimony was about lights, interestingly Judge Souder says in closing remarks that she doesn’t like lights.

#12The Collins claimed in court that they knew the front property line was on the other side of the property line wall, my side, from the location survey they had done when they purchased the property. The Collins stated that the location survey they had done when they purchased the property showed the boundaries. The location survey was never produced in court. Location surveys are very different from boundary surveys. They don’t show boundary lines and can be as much as ten feet off. This can be verified in, Title 09 Department of Labor, Licensing and Regulation, Subtitle 13 Board for Professional Surveyors, Chapter 06 Minimum Standards of Practice. I picked up a copy of the Collins location survey from Baltimore County on 10/10/07. The location survey is dated 10/2/00. It doesn’t show the boundaries and the boat ramp is non-existent on the location survey.

#13

The Collins interrogatories stated they had two surveys done around the time they purchased in August 2000. I have copies of both of those surveys; one with Spellman, Larson and the other with William Deegan. They are location surveys and don’t show anything concerning the boat ramp or their property extending on my side of the wall or any boundaries. I have a copy of their plot plan filed with Baltimore County. It also doesn’t show the boundaries as Collins indicated. Collins didn’t introduce those surveys or plot plan in court as exhibits. Collins presented the boundary survey they had done in June of 2004, which obviously did show the boundaries.

#14

The Collins claimed in court that they didn’t know they were on my property in the back. They didn’t know their shed and the concrete slab it sat on was on my property, or the sump pump drain they re-routed twice and clogged a third time was on my property, which resulted in my obtaining the peace order. As I mentioned earlier the Collins advised Baltimore County the drain was on their property, which was Baltimore Countys’ basis for issuing the citation that was later rescinded. How could they know the front property line from their survey(s) but not the back property line.

#15

The Collins didn’t file for adverse possession in the back until two days before trial. They stated in court they only became aware of their right to adverse possession in the back at Mr. Meyers deposition, October 25th, 2006. Even though they had the location survey which they claim showed the front property line and we both had surveys done in 2004.

#16

The adverse possession area in the back is 347 square feet where Collins is on my property. The adverse possession area in the front is 291 sq. ft. where I’m on Collins property. The Collins misstated the sq. ft. as 221 sq. ft for their adverse possession claim. Issues cited in 13, 14 and 15 are also not true based on the letter Collins sent me on 4/5/05.

#17

Mr. Collins is an engineer according to his testimony. Every measurement including the various wall heights, given by the Collins in trial court were incorrect, all in their favor.  All of the measurements can be confirmed by the surveys entered as exhibits in trial court. The property line wall height can be measured since it’s still laying were it fell. They sued me in September 2004 for half the boat ramp when clearly the survey says otherwise. The Collins had a boundary survey done June 2004, three months before suing me and two and a half years before the court date, so they should have known the measurements.

#18

The Collins protested in court the surveillance cameras I had installed in July of 2005. The cameras were installed because someone had drugged my father’s dog and cut the wires in my brothers boat, which almost sunk. I have a police report to confirm. The irony is that Ann Collins wrapped a GE SmartHome surveillance camera, that was a Christmas present for me, December 2003, while be still were on a friendly basis. Over the last nine years my elderly father lived with me and I took care of him. He was on oxygen during that time. He passed away last April 2010, of COPD. I used the Camera’s to keep an eye on my father while I worked. The Collins provided no proof of the camera’s harassing them or of the boat being swamped.

#19

The Collins stated in court that the reason my brothers boat almost sunk was because on 7/3/05 my family had taken the boat out to watch the fireworks and it was overcrowded and the boat got swamped. The Collins said the police had to tow it in. The boat did come back with a police escort that day because the boat lights weren’t working. I’m sure this can all be verified by the DNR police since they would have issued a citation under the Collins scenario.

#20

The Collins made a ladder ramp out of pieces cut from the bottom of a fence I had installed prior to settlement on my house in 2000. They asked me for the pieces in 2001. In court the Collins said that they made the ramp after I obtained a peace order against them and blocked their access to the boat ramp. One of the trial exhibit pictures taken 5/15/04 shows the ladder ramp. I have pictures taken the day after Isabel September 2003 to document my damage, they show the old retaining wall and the Collins ladder ramp. I have a Baltimore County GIS areal photo dated 2002 that shows the ladder ramp. The ladder ramp is much more significant than it seems, they used that ladder ramp the whole time they lived there. They didn’t use my boat ramp. The Collins wouldn’t have needed the ladder ramp if they had free an clear access to my boat ramp. The ladder ramp disputes their statements that they knew the property line and crossed over to my side to access the water.

#21

Ann Collins was shown an exhibit picture of Collins bulkhead overflowed, which happens quite frequently, but Ann Collins said in court it’s not overflowed because you can still see the bulkhead.

#22

The Collins stated they lost trust when I replaced the retaining wall, making it higher, that would be the winter 2003 / spring 2004. I build a fence supposedly on their property and they still had trust in me. We were friends and had keys to one another's houses for the next three and a half years.  I replace a damaged retaining wall totally on my property, which the Collins have no legal right to and then they loose trust! They asked me to write their insurance in November 2002, I did, they didn’t cancel until, 11/7/05. The Collins went to dinner with me and friends on 12/24/2003 at the Driftwood Restaurant. The Collins had an open house 12/28/03, I was invited

and I went. I invited Ann Collins to a store opening of one of my customers on 3/20/04 and she went with me. This makes no sense except that they never knew about the property line until sometime in April or May of 2004

#23

Most of the court time was taken up talking about signs. The signs in the lawsuit were taken down immediately following the peace order I obtained in June 2004, as a condition of the peace order. Signs placed after that weren’t placed until much later as an effort to have the Collins leave me alone. Those signs weren’t mentioned in the interrogatories taken in 2005. So they couldn’t have been up for two years as the Collins stated in court.

**The following items the Collins had to recant in court:**

-That we both had Peace orders against one another.  When questioned further they said they

didn’t want to spend the money to file. (I’ve had to call the police three times on

the Collins. They’ve never had to call the police on me.)-That I put a resin Giraffe up in my yard to harass them.  It had been there since early 2002-That I had a blow up Gorilla which was a party decoration May 2004, one day, to harass them.

-They started to imply the concrete dogs in that same area were also there to harass them, but

were cut off.

**Other items Collins mentioned in court that are untrue:**

- That I launched a boat down the side of my house. I never launched a boat there.

- That I launched SeaDoos down the side of my house. I never owned or launched SeaDoos.

- That while their house was being built they would sit on the boat ramp knowing it was theirs.

They have a concrete patio table and benches down by the water that came with their house.

-They would jump the 3' concrete block property line wall to get to the boat ramp.

-They would carry over and launch canoes from the boat ramp.

-That they would have their friends and family over and they would all swim off the boat ramp.

- I had two dogs and still do, I couldn’t have had people just jumping over in my yard!

-That the boat ramp located at the Driftwood Restaurant was unusable for a period of time during Myers’ residence, people would use Mr. Myers boat ramp. The Driftwood ramp was never

totally closed. Mr. Myers stated that he did give some friends permission to, launch their boats

from his boat ramp. Only very small boats could be launched off Mr. Myers boat ramp. This

was around 1988-1989

-That I told them I was going to step the retaining wall down. Why would I do that?

-That I told them I was going to put a eighteen inch railing along the top of the retaining wall.

Again, why would I do that? That would probably create more of a tripping hazard.

-They stated the property line wall didn’t fall during Isabel 9/18/03. But Collins said the holes

weren’t clogged until sometime in 2004, according to their testimony.

- That I directed water run off towards their property. It was a picture of several stones. I have

10 to 12 feet of property on that side of the house. Why would I do that? Their picture in

evidence clearly does not show or prove their statement.

- That the fence I put up in 2000, prior to settlement on my house, didn’t stop them from using

the boat ramp until 2004. Why would I stop them from using the ramp while they were

protesting the construction of the retaining wall and deck. This is the one time I would really

want them on my side. It was the wall that stopped their access.

- You just can’t jump into Middle River.

-That I had changed the down spouts somehow from flowing in my driveway to now flow on

their side. I couldn’t move my house! Even if the down spouts flowed in my driveway it

would still run down the side of the house based on the topography.

Mr. Carney didn’t present 95% of the information into evidence, which supported my adverse possession claim. Examples:

-Property Listings for both my and the Collins houses

-My Bank of America appraisal Nov. 2000 for purchasing the house

-Mr.Myers garage variance dated 2/10/84

-Baltimore County and DNR’s findings

-The Baltimore County inspectors that said they would testify for me

-Pictures disputing the Collins claims of light pollution and the distances the lights are

from the closest corner of their house , 100 watt bulb 87 ft.

-The electricians bills as to when I had outdoor lighting put up, January 2001

-Pictures disputing the Collins claims of the higher retaining wall

-Pictures disputing the Collins claims of loss of view

-The permits, showing when the permits were obtained

-Brian Dietz the surveyor as witness, to dispute the Collins measurements. A subpoena

was issued by Carney’s office but never used.

-The two real estate agents that could testify that I never received a survey at settlement

-The two engineering reports I had that showed why the wall fell

-The Retaining wall contractor and landscaper that could verify the retaining wall height.

- Mr. Carney e-mailed me that he was going to have someone role play Mr. Myers in

presenting Mr. Myers deposition. This was never done.

- Mr. Carney sent Rob Thompson, opposing counsel, a letter months prior to the court

date about the fallen property line wall. This was never brought out in court.

Mr. Carney didn’t use Mr. Myers’ deposition to the fullest extent either. Mr. Myers made a number of statements during the deposition that would have benefitted me, including that the story the Collins made up about the property line wall and the retaining wall had nothing to do with one another or a co-operative effort for a boat ramp. That family and friends used the boat ramp with permission and he didn’t know who built the original wall. The time line was never brought out in court.

Why would I ask permission, put the fence up, if I thought they could make me take it down? Mr. Myers was still living in the house at the time I put the fence up; the Collins said they were very friendly with Mr. & Mrs. Myers but they never complained to him! In fact the contractor for the fence was a friend of Mr. Myers that he recommended. They never said anything to me until 5/9/04, when they also informed me the boat ramp was half theirs. The Collins say I asked about putting the fence up but they never say I asked permission about repairing the boat ramp on 6/22/02 and never asked for a financial contribution, which was technically on their property.