

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Rev. 8/4/14

11/5/04 Senez Counterclaim for Title by Adverse Possession and Bill to Quiet Title

Question #7 The Defendant/ Counter Plaintiff and her predecessors in title have been in actual peaceable possession of the property described in the Property Description for more than the prescriptive period.

11/17/04 Collins Answer to Counterclaim for Title by Adverse Possession and Bill to Quiet Title

Affirmative/Negative Defenses

Answer #7 Plaintiffs/Counter-Defendants presently have insufficient knowledge or information in which to form a belief as to whether they may have additional, as yet unstated, affirmative defenses available.

Senez: This would have been a perfect opportunity for the Collins to say that I asked permission. Ann Collins testimony in court pages 18, 19, & 20; she stated I asked, “if my fence could follow the wall instead of the property line and we came down and there was the fence. The response was, you did not say no.” They remembered every other detail whether fact or fiction but they didn’t remember to tell their attorneys I asked permission when they were answering Senez’s Counterclaim for Title by Adverse Possession and Bill to Quiet Title!

INTERROGATORIES

The question Ann Collins said at trial, that I supposedly asked, “can my fence follow the wall instead of the property line,” was never in the original Complaint, Answer to Counterclaim, Interrogatories or Mr. Myers deposition; it was a made up question as the Collins learned more about Adverse Possession. It was also not known by my attorney’s. Consequently, I never heard that I was supposed to have asked that question until the day of the trial. If I asked the question I’m sure the Collins would have said that I asked but wasn’t given permission, a lot earlier than the trial and they would have filed suit then. The Answer to the Counterclaim would have been the perfect opportunity along with the interrogatory answers. They filed the lawsuit 9/28/04 and we didn’t go to trial until 12/8/06. Just about everything the Collins said in the interrogatories relates back to the fact that they want a better water view. I gave Mr. Carney the documents and witnesses to disprove all of the Collins accusations in the complaint and interrogatories, Mr. Carney didn’t defend me against the accusations as his agreement stated. Mr. Carney himself referred to those allegations as bogus.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Collins lied and made up all of those accusations. One can only conclude that they would obviously lie about the question they said I asked. They were just throwing stuff at the wall to see what sticks.

Mr. Carney also didn't cite one adverse possession legal case or a substantive adverse possession argument.

Ann Collins interrogators 2/2/05

Ann Collins had ample opportunity to say that I asked if the fence could follow the wall instead of the property line, and wasn't given permission, in the interrogatory questions #4, 5, 7, 8, 12, 13, 17, 22 & 23. She never said it!

Instead Ann Collins talks about a bridge, co-owned boat ramp which never existed, permits which were obtained prior to the Collins filing the lawsuit. The wall I replaced being higher and the railing on the wall and other things which are all on my property.

Steve Collins interrogatories 1/12/05

Steve Collins had ample opportunity to say that I asked if the fence could follow the wall instead of the property line and wasn't given permission, in the interrogatory questions #4, 5, 7, 8, 12, 13, 17, 22 & 23. He never said it! Instead Steve talks about me owing Tony Lhotsky money. What did this have to do with their lawsuit against me or mine against them?

Steve Collins also talks about a co-owned boat ramp which never existed and the wall being five feet higher than the original wall which would be impossible. Their water view and an 18 inch fence with spindles for a see through effect. That I relocated the terrace / retaining wall on my property several times. Not sure how you do that since it's a concrete block wall, six feet high.

Question #1 Identify all persons whom you expect to call as an expert witness.

Ann Collins: Robert W. Matis, Property Line Surveyor; see his June 25, 2004
Boundary survey

Steve Collins: Robert Matis, Surveyor.

Senez: Copies of Collins surveys and construction plot plan on the website.

Question #2 Identify all person who investigated on your behalf.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Ann Collins: Glen Barry, Earl Eckert & Keith Kelly-DEPRM, Jeff Parlow- zoning;
June ?

Steve Collins: Glen Barry, Earl Eckert & Keith Kelly- DEPRM
Jeff Parlow - zoning; June? – zoning

Senez: These gentlemen are all part of Baltimore County and a copy of their file is on the website. Baltimore County said they would testify in court on my behalf.

Question #3 Identify all persons who have given written or recorded statements.

Ann Collins: Citations issued to Ms. Senez by Baltimore County officials. We also have copies of these citations

Steve Collins: Citation Number 04-3295 – 5/10/04 for construction and on 6/15/04 for storm runoff issued by Glen Barry

Senez: There was one citation which the county rescinded when they realized the drain went to the wall, on my property. The wall is about 12 inches inside my property line. Collins failed to tell Baltimore County that part. This should never have been allowed to be discussed in court. Collins never produced these violations in court.

.

Question #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.

Ann Collins: 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 issue. She came to our home on the 10th of May to talk over the issues. We told her about Mr. Berry’s visit and told her that we did not want to put a stop on the job because 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 in which up until fall had never been used. She said that that was there before we moved to 339. She said it was grand fathered and 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. We told her that Mr. Berry said she did not need a fence around the wall to meet the code. She advised us that she was an insurance agent and knew the 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 that it was because of the increased height of the new wall, that she felt obligated to have a fence

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

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 we knew that the "neighbor friendly" relationships were history. She further stated that she could plant large trees to really block our view. She came over again on the 12th of May and told us that 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.

Steve Collins: Understanding the "Plaintiff" to mean Ms. Senez, on May 10th, 2004 Linda Senez came to our house to discuss the new retaining wall and it's 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 boathouse in a couple of years and then she apologized for the contractors removing the property line boundary pin and 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 be to us.

All of the 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 further construction and that any further neighborly accommodations would cease.

Senez: May 9th, my father's 70th birthday. I never considered that the boathouse blocked their view; it's been there since the 1930's. Your water view is in front of your house. Ann Collins states that they would compromise and give me the land in question and not pursue any county violations if I allowed them to take down the boathouse. That's because they never used the boat ramp without permission and this whole suit has always just been about their water view!

The Collins tore down the house on 339 when they bought the property and rebuilt. They could have built a house with a better view. They built what I consider, a Towson house on the water. My upper ground is no higher and I can prove it. There wasn't a reason to make it higher. I did say that in a couple of years I may renovate the boathouse and take

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

their wishes into consideration. Steve Collins promptly told me that Baltimore County wouldn't let me, which isn't true. I would be able to renovate the boathouse however if I take it down I can never rebuild it.

I never knew there was a boundary pin. I assumed that my property went to the property line wall. I never offered to pay for a new survey. To my knowledge there hasn't been a boundary survey on our two properties. The Collins only had location surveys up until 6/25/04. They discovered the property line discrepancy from an aerial photo in DEPRM's files. They made this up because they wanted me to pay for their boundary survey.

Yes I did say that if Steve Collins was right, the property was worth more to me than to them because they really didn't have access to it with the existing wall there and it's just a pie shaped sliver. I never mentioned an 18 inch high fence, it wouldn't serve any purpose. I never mentioned anything about the spindles being space for a see through effect. I thought a fence on top of a six foot wall was only good common sense. A three step riser by code needs a hand-railing. Collins have a railing on their deck and it's probably 2 feet off the ground.

I never told them I would move my fence nor did they tell me to move my fence. At that point there was no proof that anything they were saying was true. I promptly called a surveyor. The surveys both mine and Collins were done in June a month or so after this conversation.

I was following all the Baltimore County rules at the time. They were on a fast track because of all the construction work from Hurricane Isabel. The Collins did call Baltimore County and had a stop work order placed twice on my property, 5/10/04 & 5/12/04, which I had rescinded. My terrace / retaining wall was already completed. The fence and deck were still under construction and don't interfere in any with the Collins. The Collins complained so much the County said I would have to file for a variance on the deck area. The Collins tried to use this as leverage to get me to take down the boat house. Collins protested the variance but it was granted. Fred Langsfeld, the neighbor on the other side gave me a letter of approval.

This again is all about the terrace / retaining wall on my property and taking down the boat house so the Collins would have a better water view.

Question #5 Identify all persons not other wise identified in your answer to the other interrogatories set forth 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.

Ann Collins: Mr. Tony Lhotsky was hired to fix the mistakes of the pervious contractors dealing with the grading, drainage on 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.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Steve Collins: 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.

Senez: Tony Lhotsky was hired to do landscaping work, he’s a landscaper. Tony didn’t fix any mistakes and there was nothing directed at the Collins property.

This is a total lie as evidenced by Mr. Myers deposition! Page 72, Myers said he didn’t discuss with Collins why wall was built.

The disputed property was never established as a collaborative effort for a boat ramp. Cooks / Collins property is twice as wide as Myers / mine. Mr. Cook could have built his own boat ramp. Why would Mr. Myers want the Cooks and others backing their boats through his yard on a regular basis? That area is very narrow. Mr. Myers told me that Mr. Cook put the wall up two different times. The first wall was concrete with no weep holes or footer.

The second wall stood from the 80’s until 6/27/06, when it fell because Mr. Collins plugged the weep holes. The wall withstood Hurricane Isabel on 9/18/03. Mr. Myers said it was never a co-owned boat ramp. Mr. Myers said that he put in the boat ramp and bulkhead. He put a bulkhead on the side of the ramp at his own expense to help stop the erosion of the Cooks property. The fence I had constructed prior to settlement, with Mr. Myers permission, ran right along side of the property line wall, no more no less.

I believe the wall and all the walls in the neighborhood were put in to control the drainage. Mr. Myers and Baltimore County also confirmed this.

Mr. Myers deposition pages:

23, 24, 37 and 55, The wall was there before Myers purchased the property. Therefore it couldn’t have been a cooperative effort for a co-owned boat ramp.

23, 32, 38. Wall was there 20 years.

25, 62, 67, the wall was for runoff and erosion, (not a boat ramp.)

49 Mr. Cook not involved in any way

72, Myers said he didn’t discuss with Collins why wall was built.

38, 59, 60, 70, 71, 89, 90. The boat ramp was used with permissive use only.

Why is the property line wall from the jog towards the road, inside my property line? Why does the concrete slab Collins shed sits on, on my property by 12 inches? Why didn’t Mr. Cook leave an opening to Mr. Myers side if he thought the boat ramp was co-owned? He ran the wall right down to his bulkhead and it was 24 -28 inches high at that point.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

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

Ann Collins: 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.

Steve Collins: Unknown,

Question #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 declaration 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.

Ann Collins: Talking “Plaintiff” to mean Ms. Senez, see my answer #4

Steve Collins: Refer to answer #4

Senez: See my answer to #4.

Question #8 State the substance of all discussions 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 present.

Ann Collins: See my answers #4 and #5

Steve Collins: 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 Collins 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 Property owners. He told Tony that if he would accommodate

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

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.

Senez: This is also a lie! I talked to Tony Lhotsky about this conversation with Collins and he disputed it and said he would sue Collins if they pursued this. Just what does this have to do with the Collins lawsuit against me or mine against them for adverse possession?

Collins said the conversation took place in May 2004. Why is Tony doing work for me in May 2004 on the new terrace / retaining wall if I owed him money from a year ago? Tony Lhotsky owned Enviro-Art Landscaping and was very successful. He only did minor filling and grading after the contractors left to get the yard ready for sod. Tony did put in a drain on the side of my house that runs between the asphalt and grass; the drain runs to my property wall. My property extends about 12 inches on the other side of that wall.

I have no knowledge of any conversation between Tony and Dave Woodard about exaggerating the ownership of the boat ramp. Tony was very successful and didn't need Dave to get additional landscaping contracts. Tony had done work for me from 5/8/02 to 10/12/09 when he moved to the Eastern Shore. Hurricane Isabel was September 18, 2003. Tony did the work for me after the construction of the wall which was March – May of 04.

Tony went to the Peace Order hearing supporting me on 6/26/04. I doubt Tony Lhotsky would have done that if I owed him money from a year ago. Steve Collins other accusations of backfill, grading and drainage to Collins property are also untrue. The Collins just threw stuff at the wall to portray me in a negative light and see what would stick.

This is all about the boat house, the terrace / retaining wall on my property and the Collins wanting a better water view.

Question #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.

Ann Collins: None

Steve Collins: No

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Question #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.

Ann Collins: We are in possession of photographs and our counsel also has others. The pictures are of the original wooden wall, 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.

Steve Collins: Photographs showing:

New retaining wall with fencing - **This retaining wall is on my property.**

Hurricane Isabel flooding shows relative elevation of old retaining wall – **Never Introduced.**

Placement of security camera and its intrusion **This would be a waste of my time!**

Placement of Outdoor lighting and its glare- **Never introduced picture in court.**

Flooding of storm water from drainage systems from 341 property – **This is natural runoff.**

Placement of boundary pin by surveyors - **Never introduced the picture in court. Timeline wrong.**

Removal of boundary marker by Dave Woodard- **Never introduced the picture in court.**

Construction work performed after citations- **Citation rescinded, drain on my property. Never introduced.**

Placement of intimidating No Trespassing Signs, - **Signs down before Collins sued me.**

Placement of “disputed fence line” and property - **Fence built before I owned property**

The photographs are possessed by legal counsel or ourselves.

Senez: The “No” trespassing sign was taken down after the Peace Order hearing I obtained on 6/26/04. The one picture Ann Collins produced in court was her and her granddaughter on the boat ramp. She asked permission to feed the geese, in the picture she is on my side of the boat ramp, so she’s trespassing! This picture was taken prior to 6/22/02 because the wire fence is still up. I would think if they used the boat ramp all the time with family and friends, Ann Collins could have come up with more pictures or something more recent. They said in court they were blocked access to the boat ramp by the peace order on 6/26/06.

I paid the surveyor to mark my property; Dave Woodard didn’t remove any boundary pin. The surveyors both mine and Collins agreed on where the original property line was located. Most of the photo’s they said they had were never introduced in court as evidence and I never saw them. They introduced pictures of signs placed more than a year after they filed suit, party decorations from 2004 and the lawn giraffe that had been there since June 2003. All of these things should have been removed by filing a Motion for Summary Judgment before the trial as they were totally irrelevant to the issue of adverse possession which was the only issue.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Collins plugged the 10 weep holes in the old wall and it fell 6/27/03. The Collins had planted a row of ornamental grass, trees and shrubs along the wall and the Collins were complaining that massive amounts of water were flowing from my property to theirs, damaging their property.

The interesting part is that the Collins finally removed the fallen wall on 11/22/13 and didn't replace the wall. They just slopped their property up to the height of my property about 30 inches higher and planted regular grass. This once again proves there never was a drainage problem!

Question #11 Identify all videotapes, plats, diagrams, or other depictions of the disputed property or any matter related to the counterclaim and/or complaint that are in your possession.

Ann Collins: We have a videotape of water pouring onto our property from the Senez property during a rainstorm. We also have 3 surveyors 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.

Steve Collins: The documents are possessed by legal counsel or 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 over old retaining wall.

Senez: The Collins never introduced a video tape in court. Collins never introduced a diagram in court. I have never seen either the video tape or diagram. The Collins only had location surveys and a plot plan which doesn't show the property lines and those were never introduced in court. Copies of their surveys and plot plan are on the website. They did obtain a boundary survey on 6/25/04.

There was no evidence of damage to Collins property or bulkhead from my property as evidenced by Baltimore County inspectors and their files.

The new retaining wall may appear higher than the old creosote railroad tie wall because along the edge of the old wall the property ground sloped down. The upper ground level is the exact same height and I can prove it. I have five different ways to prove. I didn't have a reason or a need to make the upper level any higher.

The Collins obtained an aerial photo from DEPRM and that's how they discovered the property lines were crossed, sometime in April or May of 2004. They never mention

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

however that they are on my property in the back, from the road to the jog in the property line wall. I was on their property by 291 sq. ft. They are on my property by 347 sq. ft., however in court they said they were only on my property by 221 sq. ft.

Question #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.

Ann Collins: “Plaintiff” means Ms. Senez, none

Steve Collins: 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 naiveté of neighborly accommodations.

Senez: Collins answers here are directly contradictory to the story of the property line wall placement being a cooperative effort for a co-owned boat ramp! Their answer to number five also contradicts their answer to # twelve.

This would have been a perfect opportunity for the Collins to say that I asked if the fence could follow the wall instead of the property line. No one gave me permission because permission wasn’t assumed, I never asked. I like the Collins assumed the wall was the property line. The property line wall ran all the way down to the end of Cooks / Collins bulkhead. The wall was 24 -28 inches high at that point. They occupy my property towards the back of our properties, approx. 347 sq. ft. The Collins only have 18 inches of boat ramp at my bulkhead.

Mr. Myers deposition pages:

23, 24, 37 and 55, the wall was there before Myers purchased the property.

60 Did you understand where the actual property line was when you were maintaining that area, Myers, “no.”

29, 47, 32 Maintained the area the whole time

38, 59, 60, 70, 71, 89, 90 Myers says permissive use only

13, 14, 48, 83 Myers put ramp there by himself

37 I didn’t know anything, cement launch ramp Myers put in

82 No knowledge where the exact line was

49 Mr. Cook not involved in any way. (So not a cooperative effort for a boat ramp)

55 Mr. Myers not aware of property line that’s going through both properties

82 No knowledge where the exact line was

38 no complaints the ramp encroached onto 339's property

71 Myers intention was that he was selling the boat ramp with the house.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Question #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 Jan. 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.

Ann Collins: 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 dog used the bridge to come over to our yard and she was afraid they would fall She asked that we remove it- we did.

Steve Collins: Refer to answer number 5.

Senez: Collins answers here directly contradict Mr. Myers deposition testimony. This answer also contradicts their answer for #twelve. The fence I had constructed prior to settlement with Mr. Myers permission ran right along side of the property line wall, no more no less.

This is a total lie, as evidenced by Mr. Myers deposition. The property line wall and jog were there prior to Mr. Myers purchasing the property. Therefore it had nothing to do with a co-owned boat ramp.

Mr. Myers Deposition pages:

23, 24 and 55 wall there before Myers purchased.

55, Mr. Myers has no idea who put the wall in.

55 Mr. Myers not aware of property line that's going through both properties.

71 Myers intention was that he was selling the boat ramp with the house.

23, 32 and 38 Wall there 20 years; pages.

72, Myers didn't discuss with Collins why wall was built, (as the Collins had said.)

13, 14, 48 and 37 Meyers put the boat ramp in

49 Mr. Cook not involved in any way. (So not a cooperative effort for a boat ramp)

Ann Collins said we even had a little bridge over to the property however this wasn't brought up in court since the bridge never existed. Mr. Myers said there was no bridge and the Collins had no picture of any bridge. I never would have had a bridge were my dogs could leave the yard. Mr. Myers deposition page 80, says, "no bridge."

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Steve Collins said the retaining wall and grading took place several times until they succeeded in maintaining its current location there is absolutely no evidence to support this!

Question #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.

Ann Collins: 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.

Steve Collins: George and Madeline Cook.

Senez: George and Madeline Cook are both deceased. They owned the Tempo Lounge when they were alive. I believe they had three children and they are still alive as far as I last heard. Settlement of the property was handled by Iris P. Wallis the daughter of the Cooks.

Question #15 Identify all correspondence by and between you and the plaintiff.

Ann Collins: Taking "Plaintiff" to mean Ms. Senez, Ms. Senez had a peace order served on us in June and we appeared in the 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 of the Peace Order. They also placed a 12 inch high extension on part of the fence on August 18, 2004.

The County Officials told us that 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 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.

Steve Collins: Understanding the Plaintiff to mean/include Ms. Senez as the Counter Plaintiff, none.

Senez: I had to serve the Collins with a peace order because they were vandalizing my property. Pulling down signs, clogging my sump pump drain and then they rerouted it

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

twice and it's clearly on "my" property. Light bulbs in the coach light were being unscrewed.

The second part of Ann Collins statement takes place all before the peace order hearing on 6/26/04. The No trespassing signs were taken down after the peace order hearing. Mr. Woodard did not pull up the property stake. Collins boundary survey was done 6/25/04.

The 12 inch fence extensions were placed in areas where the Collins property was higher than mine. Their dog(s) would stand at the fence with his head over the fence barking at my dogs. It was only to keep the dogs separated in those areas as is evidenced by exhibit pictures used in the trial. Some area's have the extensions others don't. My father placed the extensions on the fence. This is all documented in the exhibits and was not done for any other reason.

Court Exhibits:

- Collins exhibit #3 – no spikes.
- Collins exhibit #7 shows spikes but also the boards we did to fill in the spaces of the pickets so the dogs wouldn't see one another and carry on.
- Collins exhibit #11 no spikes. Spikes placed summer 05 to keep dogs from barking at one another. Lawsuit filed 9/28/04.
- Collins exhibit #12 no spikes.
- Collins exhibit #13 no spikes.
- Collins exhibit #15 shows were we closed up fence pickets in same area, because of dogs.
- Collins exhibit #18 & 21 show spikes however only were dogs were a problem.
- Collins exhibit #18 spikes only where Collins ground higher or were their dog could stand on wall (past shed) and be higher than fence.
- Collins exhibit #20 shows no spikes. Spikes added latter, since Collins dog would stand on property wall, and dogs would bark at one another.
- Senez exhibit #9 taken 5/10/05 - No spikes.
- Senez exhibit. #13 spikes in my yard on gate on left and fence other side, right, but not on fence next to Collins. Spikes first put in my yard. Picture taken 3/14/05
- Senez exhibit #14 shows the area where Collins dog would stand on property wall and be higher than the fence. Senez's father added fence extensions added to keep dogs from barking at one another.
- Senez closed the fence pickets up also so dogs wouldn't bark at one another.

Question #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.

Ann Collins: Robert Matis & Brian Dietz Surveys, 2004.
Deegan & Spellman, Lauson Surveys, 2000.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Steve Collins: 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 DEPRM.

Senez: Brian R. Dietz was my surveyor, I never had a survey prior to that time and I never saw a survey. Copies of Collins location surveys and plot plan are on the website. Collins did not introduce the above mentioned location survey's in court. We both purchased our properties in 2000. If Collins were aware of the property line why wasn't anything said to me until May 2004. Why didn't the Collins say anything to Mr. Myers since he was still living there when I had the fence put up before settlement? Why didn't the Collins say anything to the contractor putting up the fence? According to Mr. Myers and the Collins they were both friendly towards one another while they were both living there.

Why did the Collins get a new survey done on 6/25/04 if they already had two surveys and knew where the property line was?

This would not have been a desirable property trait. I never would have purchased a house with a co-owned boat ramp. I never would have purchased the house with the boat ramp split. I doubt anyone would think that was a desirable situation.

In fact the Collins built a ramp from an old ladder they got from Mr. Myers and scrape pieces of wood from my wood fence in 2001-2002. They used the ladder ramp the whole time they lived there, it's still there. In court the Collins said they built the ladder ramp after I obtained the peace order on 6/25/04, which is a lie. A picture of the ladder ramp and the old creosote railroad tie wall is on the website and that picture was taken on 9/20/03 right after Hurricane Isabel. The old wall was torn down 12/20/03. If the Collins had access to my boat ramp they certainly wouldn't need a ladder ramp and they wouldn't have to lie about when they built it!

Question # 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.

Ann Collins: 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.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Steve Collins: 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 it 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.

Senez: Baltimore County has records of all the visits to our properties. Again the boat ramp story is a lie made up by the Collins. Tony Lhotsky did go to the Peace hearing with me. Tony Lhotsky was not at the peace order hearing to discuss the length of time he lived in the neighborhood or the boat ramp. That is not what a peace order hearing is for. See my answer to #5.

This is not what Mr. Myers conveyed in his deposition or what he conveyed to my prior counsel. The north side is very narrow. Why would Mr. Myers want the Cooks and others backing their boats through his yard? Mr. Cook could have put in his own boat ramp the property is twice as wide as Myers / Senez. Mr. Myers told me that Mr. Cook put the wall up two times. Mr. Myers said it was never a co-owned boat ramp. Mr. Myers said that he put in the boat ramp and bulkhead on the side of the ramp at his own expense. I believe that wall and all the walls in the neighborhood were put in because of the drainage problems. The terrace / retaining and jog were put in after Mr. Myers bought the house and therefore has nothing to do with a boat ramp. The narrowest point is between my house and the concrete slab Collins shed sits on. That area is about half way down the property line to the boat ramp. If you can get a boat thru there the rest is insignificant.

Mr. Myers deposition pages:

23, 24, 37 and 55. The wall was there before Myers purchased the property,

55, Mr. Myers has no idea who put the wall in.

23, 32, 38. Wall was there 20 years.

25, 62, 67, the wall was for runoff and erosion, (not a boat ramp.)

72, Myers didn't discuss with Collins why wall was built, as the Collins had said.

25, 27, 29, 30, 54, 69, 76, 80. Property Wall other;

38 no complaints the ramp encroached onto 339's property

60 Did you understand where the actual property line was when you wer maintain that area, Myers, "no."

49 Myers went from south to north to inside boat ramp. He had pile driver come back and put one on the other side because they (the Cooks) were losing property.

49 Mr. Cook not involved in any way

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

55 Mr. Myers not aware of property line that's going through both properties
38, 59, 60, 70, 71, 89 and 90. The boat ramp was used with permissive use only.
62, 71, 72 and 88. Collins didn't use boat ramp;
72, Mrs. Collins used the boat ramp. "I don't remember Mrs. Collins using the boat ramp."
88, Myers didn't recall Collins ever launching a boat
71, Myers intention was that he was selling the boat ramp with the house.

Mr. Myers Deposition purpose of the wall pages:

25, Wall for the runoff all the way from the road
62, Wall for erosion
67 Wall to hold back the water, runoff.
72, Myers didn't discuss with Collins why wall was built
91 Wall put up for the runoff.

I've been able to document that the wall has been there since the early 70's. I have affidavits from twelve people. Three people who lived at 339 Worton Rd. and others in the neighborhood who have knowledge; George Cook, III, (Mr. Cooks Son) Iris Wallis, (Mr. Cooks daughter), Sharon Danielczyk (Mr. Cooks daughter), Dennis Danielczyk, Sr. (Sharon's husband), Dennis Danielczyk, Jr. (Sharon's son), John Rodgers (his parents owned 337 Worton Rd, (the property on the other side of the Collins.) Six affidavits from people who lived in the neighborhood in the 1970's and still do; Dennis Duke, Beverly Kidd, Ron Jacoby, Joe Michaels, Jim Peters and Sharon Gebhardt . These are available upon request and evidence that the Collinses were lying.

Question #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.

Ann Collins: 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 added 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.

Steve Collins: Photographs showing the old view versus the new higher obstructed view of the new wall, fencing and decking.

Senez: The Collins didn't produce any pictures showing that the new replacement wall was higher than the old wall or the old view versus the new view being any different. I had no reason or desire to make the upper level any higher. There is no law protecting the Collins water view. The upper level ground isn't any higher than it was. The wall is five

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

to six feet high, the railing was necessary for safety. The deck Ann Collins is referring to is on the opposite side of my property, the south side. There is no Baltimore County law for the height of the land or deck. The view Ann Collins is talking about is across my front yard. The deck and railing do not obstruct the Collins water view. Their water view is in front of their house, just like everyone else who lives on the water. The picture enlargements I gave Mr. Carney show this. It's also the picture on the Home page of the website.

Question #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 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.

Ann Collins: 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 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 spouts and front yard (which is mostly black topped) with such 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 directly 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.

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.

Steve Collins: 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

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

roofing area which drain onto it, the discharge piping had been extended to the edge of the property line. The force of the 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 Eckert of Baltimore County Code Enforcement with Citation Number 04-3295.

Senez: The original drain which is the same drain to this day, emptied out a white PVC pipe that is only 10 inches above ground. The sump pump and downspouts were always there. I replaced the sump pump inside the house, it was old and since it's a mechanical devise it did burn out. There are also three downspouts on the other side of my property. There's no asphalt in the front yard. The elbow the Collins attached to my sump pump drain is on my property. The wall in that area is inside my property line by 10-12 inches, just look at the survey. The wall from the road to the jog in the property line wall is inside my property line. The Collins say they know the property line in the front but they can never seem to get it right in the back. Baltimore County had no problem with the drain.

The sod was not replaced three times. A heavy rain storm right after the sod had been laid, did move some of the sod around since it didn't have time to root. I've never seen pictures of the rain pouring onto Collins property. The driveway was not widened by a third. That side of the house, the north side, is very narrow, it gets very little sunlight and a lot of activity since it's used to get to the front of the house. The piping was extended to the wall. The wall is on my property. My property extends about 12 inches on the other side of that wall.

My property is 50 feet wide and 360 feet long, all that rain water couldn't originate from just my property. The topography in the area shows that I get the runoff from the neighbor at 343 and 339 in the back. Collins also re-graded around their fish pond and put bricks and boards up against Senez's wall to keep the ground on their side from eroding but allowing the drainage to come on my side.

The grading level wasn't increased. If the force of the water discharging from the sump pump flowed and eroded under and through the existing retaining wall, the wall would have fallen a lot sooner than June 27, 2006. The water runoff didn't flow to the Collins yard, didn't damage their property and didn't overflow their bulkhead. This is all documented by Baltimore County.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

The Collins bulkhead had been there since the 30's and was in dire need of repair. The tide overflows their bulkhead approximately thirty times a year. They also don't use ice eaters or other equipment in the winter to keep the bulkhead free of ice. They put this bogus accusation in the lawsuit in hopes of making me responsible for the repair of their bulkhead. In November 2013 the Collins finally repaired their bulkhead with rip rap.

Collins didn't produce a video in court.

Mr. Myers Deposition pages:

25 Wall for the runoff all the way from the road

62 Wall for erosion

72 Myers didn't discuss with Collins why wall was built

66 The water ran off the driveway and into the river. Yeah, sure, there was a runoff problem in the whole area. Railroad tie wall helped with erosion, runoff from Myers property would end up in the Cook property

67 Didn't know if new concrete wall caused more or less water on Cook property. Myers, I tried the whole time I was there to stop the runoff. It came off Cooks property to start with around the back here and off 343. I was the little spot. So, I got the water, That' was the reason I put a road in.

90 When the wall was built runoff in part abated. I would say yes, no way to prove.

91 Myers property lower in middle, runoff from both properties 339 & 343, Course down Myers driveway. Myers believed that's why the wall was erected.

Baltimore County's files are on the website. There were only two citations. The second was rescinded by Baltimore County since the drain is on my property. Baltimore County files verify that there was no damage to the Collins property from the runoff of my property. Earl Eckert of Baltimore County agreed to testify in court on the drainage, permits and citations.

Permit # B555457 for the wall, steps and landing, applied for and approved 5/11/04.

Permit # B556132 applied for 5/14/04. This wasn't approved and I had to file for a zoning variance because of the Collins constant protests, which they also protested in the hearing. The area in question is on the south side of my property not the Collins side. That is for a deck and zero lot line in the front. The neighbor on the south side 343, Fred Langsfeld gave me a letter of approval for the hearing. The Zoning variance was granted on 3/29/07, case #05-298-A. The permits and variance were all filed for before the Collins filed suit. The Collins should not have been allowed to spend so much time in court discussing permits that were already filed for and obtained and not their responsibility.

The old property line wall that fell on 6/27/06 had 10 weep holes and a whole row of ornamental grass, trees and shrubs along the wall. Collins complained about the drainage from my side to their side causing damage to their property and bulkhead. Collins stated in court that I directed massive amounts of water to their property. They plugged the 10 weep holes with concrete sometime in 2004 -2005 causing it to fall. The wall laid there from

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

6/27/06 to 11/22/13 when they finally removed the wall. During that whole time the Collins yard looked the same and they would obviously be getting more drainage from my side with the wall down. Interestingly the Collins didn't replace a wall in that area. They slopped their property up to the height of my property 30 plus inches, and planted regular grass.

This once again proves that there never was a drainage problem and the Collins were lying!

Question #20 Set forth all facts upon which you rely in support of your allegations in your 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.

Ann Collins: 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.

Steve Collins: 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 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 lamps fixtures on the porch are on from dusk until 4AM.

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 of Knowledge:

Ann Collins

Todd Senez

Linda Senez

David Water

Supporting claim of lighting pollution with photographs.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Senez: The boathouse has a 70 watt maximum watt, yellow sodium vapor light, 210 feet from the closest corner off the Collins house, and is a Coast Guard requirement. The light is under the boat house roof and there's a wall on that side of the boathouse, the north side. The fixture lost its shield during Hurricane Isabel and was replaced. Collins house sits considerably higher than the light. I gave Mr. Carney pictures of the lights at night. The houses across the river from the Collins have lights that are considerably brighter and illuminate the river more than my light. They are approximately 395 feet from the Collins house. The boat house light did stay on 24/7 because during this litigation I moved the light higher up under the boat house roof to accommodate the Collins. Since it is a dusk to dawn light it stayed on all the time. I hardly think that light bothered their water view during the day.

The porch is the back of my house, one coach light each side of the porch, one on the north side, one on the south side. The north porch light is obstructed from Collins view by Collins shed and bamboo I planted to keep the Collins from staring and annoying my friends and guests. The other porch light is on the opposite side of my house from Collins, the south side. Neither light would affect the front of the Collins house or their water view.

The garage and garage lights are at the back of my property. The motion light is on the opposite side of the property from the Collins, the south side and is a 60 watt coach light. This could not possibly affect Collins night view of the water. Tad Senez is my father, it's not Todd Senez.

The two headed spotlights on the garage are on opposite sides of the garage. They face east and west, the Collinses are on my north side. They are dusk to dawn motion flood lights and are in the back yard. Their illumination could not possibly affect Collins night view of the water or anything else.

The lights in the back of my house couldn't possibly shine in their bedroom windows. Their bedroom is on the opposite side of their house from my property, the north side and in the front of their house.

The lower basement entrance did have a flood light which was replaced with a Coach light again as an accommodation to the Collins. The flood lamps were never pointed at Collins that would have defeated the purpose of having lights. The coach light is dusk to dawn 100 watt maximum bulb light, motion sensor light; it only goes to the maximum wattage when motion is detected. That coach light is 87 feet from the closest corner of their house and their house sits a lot higher. This does not affect the Collins night vision and water view. This is the only light on the north side of my property.

Collins never introduced any pictures of light pollution!

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Question #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.

Ann Collins: Taking “Plaintiff” to mean Ms. Senez, the security camera is located at the north corner of the wall closest to the water and is directed at us. (I recognized 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 or reputations.

Steve Collins: 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 camera’s and a monitor because my wife wrapped them for Dave Woodard as a Christmas gift to Linda Senez in December of 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
Linda Senez

Senez: Not exactly sure when the cameras were installed but I’m sure it was put up shortly after I received it as a Christmas gift in 2003. Ann Collins did wrap the gift. It was a wireless GE system purchased from Best Buy. It never worked. The camera was very small and had no depth of field. It was never pointed at the Collins house that would have defeated the purpose of having a security camera system. I didn’t use it to invade their privacy; I’m way too busy to want to watch them. We were still friends up until 4/28/04 we socialized and had keys to one another’s houses. If the the cameras bothered them they could have said something or asked me where they were directed. So this statement makes no sense. Steve Collins says above they don’t have knowledge if they are being used to invade their privacy.

The new system was installed 7/27/05 by Vector and does work. It’s used to provide personal safety and security for my home. It is not pointed at the Collins house. I have no interest in watching the Collins. It was purchased right after my property had been vandalized by someone and my Fathers dog had been drugged on 7/5/05.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

I don't know the days the Collins entertained June (2004) but the No Trespassing sign was taken down on 6/26/04 after I obtained a peace order on the Collins.

You would have to see the area the sign was posted to know how ridiculous the statement is of boaters stopping to see the sign. Lots of people put up no trespassing signs so why would anyone care about the one I posted.

Question #22 Set forth all facts upon which you rely in support of your allegation in the Complaint that you demanded 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.

Ann Collins: 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 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 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 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 to number 4).

Steve Collins: On 5/10/04, 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 line 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

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

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.

Senez: The date was 5/9/04, my father’s 70th birthday. Ann Collins ran into the house when I went over to talk to them. Construction on the wall was finished on 1/5/04 so there was no need for the Collins to call the County to find out what the finished project would be in April 2004. The only work being done now was the deck, fence and landscaping.

I explained to them the upper ground level was no higher. I can prove it; I didn’t need to make it any higher. I never said anything about an 18 inch fence. I never said anything about spindles spaced further apart. An 18 inch fence would be useless in protecting the dogs or people from falling off; it would be more of a tripping hazard.

There was no reason to mislead anyone and no one was misled; this was all on my property. I was replacing the creosote railroad tie wall that was damaged by Hurricane Isabel on 9/18/03. The boathouse is very useable; I have used the boathouse since I’ve owned my house. I did say I would have the property surveyed and I did say I would be willing to purchase the property if in fact the Collins were accurate about the property line. This is extortion and blackmail.

The terrace / retaining wall and deck on my property do not interfere with the Collins; this is all about the boathouse and the Collins wanting a better water view. The boundary pin wasn’t removed by any construction of the wall, since I never knew there was a boundary pin and had always assumed the wall was the property line. Our properties weren’t surveyed until June 2004, after the conversation Steve is referencing. There was no boundary pin in May 2004.

Ann Collins says they didn’t want to destroy our friendship and this was already May 2004. The Collins did have a stop work order placed twice; (5/10/04 & 5/12/04) I had them rescinded both times. I followed all of Baltimore County guidelines and rules at the time. They were on a fast track because of all the construction going on after Hurricane Isabel. Because the Collins complained so much to the County I had to file for the permits immediately. Permit # B555457 for the wall, steps and landing, applied for and approved 5/11/04. Permit # B556132 for a deck applied for 5/14/04. This wasn’t approved and I had to file for a zoning variance because of the Collins continuous protests. Collins also protested in the hearing. The area in question is on the south side of my property not the Collins side and doesn’t interfere with the Collins. The neighbor on the south side 343, Fred Langsfeld gave me a letter of approval for the hearing. The Zoning variance was granted on 3/29/07, case #05-298-A.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

The permits and variance were all filed for before the Collins filed suit. Collins spent a lot of time in court talking about permits as if I did something wrong. This shouldn't have been allowed since I followed Baltimore County's rules and the permits were obtained.

This is all about taking down my boat house and the terrace / retaining wall on my property! The Collins were trying to use all of these bogus accusations as leverage to get me to take down my boat house.

It's very interesting that Steve Collins says twice in this answer, the now "disputed property." Confirming it was never disputed before because the Collins thought the property line wall was the property line!

Question #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 Collins Property to install certain structures, set for 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.

Ann Collins: Taking "Plaintiff" to mean Ms. Senez, during the construction of the wall, numerous contractors and their equipment were on our property (see above were Ms. Senez admitted to Steve and me that the survey marker 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.

Steve Collins: Ms. Senez, November 2000, installed 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 Senez

Linda Senez

Art Myers

Joan Myers

Supporting documents include surveys, aerial photographs and personal photographs.

Senez: Question 12, Collins state that no one gave Senez permission, that's because I never asked. I was not aware of any trespassing since we never crossed over the property line wall. I believed my property line went to the wall. If I was trespassing why didn't they call the police? Construction started 12/20/03 and ended 01/05/04 on the terrace / retaining

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

wall on my property. I never said the contractors removed the survey marker nor did the contractors remove any marker. Collins didn't have a boundary survey done until 6/25/04 so there wasn't any survey marker or property boundary line pin at that time of the construction. I have no idea how Art or Joan Myers can support the allegation that I trespassed since they live in South Carolina. In addition Mr. Myers believed he owned the entire boat ramp and that he was selling it with the house. The disputed property is a pie shaped sliver of property that starts out as a couple of inches, at the widest point is maybe 40 inches and narrows down again to 18 inches. It would be more likely that the Collins would be trespassing on my side of the property since there's is so narrow.

The fence was installed along the property line wall in November 2000 before I settled on the house, no more no less. I asked Mr. Myers if I could put the fence up before settlement and he agreed. Mr. Myers gave me the contractors name since I didn't know anyone in the area. I never asked the Collins if I could put up the fence since I assumed it was my property. Collins never said anything to Mr. Myers about the fence being on their property while he continued to live there or to the contractor. The property line wall blocks the Collins access to my side. Mr. Cook ran that wall right down to the edge of his bulkhead. Mr. Cook cut off the access to the boat ramp. It was 24 - 28 inches high at that point. There is nothing accommodating about the Collins.

This would have been the perfect opportunity for the Collins to say that I asked if my fence could follow the wall instead of the property line! Their whole answer is about the construction of the terrace / retaining wall on my property.

The Collins wouldn't need a ramp if they had access to my boat ramp. They built a ramp from an old ladder they got from Mr. Myers and the bottom pieces from my wood fence in 2001-2002. They used the ladder ramp the whole time they have lived there, it's still there. In court the Collins said they built the ladder ramp after I obtained the peace order on 6/26/04, which is a lie. A picture of the ladder ramp is on the website and that picture was taken on 9/20/03 right after Hurricane Isabel when I was documenting the damage. You can see the old wall that was torn down 12/20/03. If the Collins had access to my boat ramp they certainly wouldn't need a ladder ramp and they wouldn't have to lie about when they built it proving they never freely used the boat ramp.

Question #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.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Ann Collins: Taking “Plaintiff” to mean Ms. Senez, because we were trying to be good neighbors, we did not demand or request anyone to stay off 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 many inches to high. Mr. Berry said if that 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.

Steve Collins: 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.

Senez: Question #24 says set forth all facts in support of your allegations that contractors refused to cease trespassing after they (Collins) demanded. Ann Collins answer is she didn’t demand or request anyone to stay off their property. The wall construction was completed on 1/5/04. The Collins weren’t aware of the property lines crossing until sometime in April or May of 2004. Ann Collins even references the time line as being the Middle of May 2004. The same is true with Steve Collins answer; they believed the wall was the property line just like I did, they never knew the actual property line. Their answers contradict the Original Complaint they filed against me.

The Original complaint filed 9/28/04 says
COUNT 1 Trespass to Land

Item #13 On or About Nov 1, 2003, Defendant Senez, through her contractors, did physically enter upon the property owned and possessed by Plaintiffs. The intrusion was unlawful, without the consent of Plaintiffs, and interfered with the possessory interest of Plaintiffs in the aforesaid Collins property.

Item #14 Collins repeated demands upon Senez to vacate Plaintiff’s property but Defendant refused and instead proceeded and installed the new fence, sump pump drainage system, “no trespassing” signs, flood lights, security camera and the new retaining wall.

If I was in violation of a county code the County would have issued a citation. Nothing was ever said to me about trespassing until May 9, 2004, the construction on the wall was over on 1/5/04. I have no idea what is meant by “their deception at that time.” There was nothing to be deceptive about, it was my property. I replaced a toxic creosote railroad tie terrace / retaining wall that was damaged by Hurricane Isabel and is clearly on my property. The upper ground is the same height. Even if I had built the ground level higher there is nothing the Collins could have legally done. The contractors never crossed the property line wall.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Their whole response is in contradiction to their statements of the wall being a cooperative effort for a boat ramp. If the Collins think that the wall was placed where it was placed for a shared boat ramp why wouldn't the property up to the wall be shared on my side? The Collinses only have 18 inches of boat ramp at my bulkhead. This just goes to show their demented thinking.

Question#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.

Ann Collins: 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.

Steve Collins: 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.

Senez: This was all a matter for EPA and DEPRM and should have had nothing to do with a lawsuit against me. When I replaced the toxic creosote terrace / retaining wall on my property, I pulled it further away from the water line and further in on the north side. I have no idea what Ann Collins means by a violation of the EPA code, I was never cited for a violation by the EPA. Collins did not supply any facts. DEPRM has been to my property several times because the C

The variance I had to file for was for a structure in the front of the house and had nothing to do with the EPA or DEPRM. This can all be documented by the various EPA and DEPRM offices. I would think that the EPA and DEPRM would be happy that I removed the toxic creosote railroad tie wall and pulled it further back from the water line.

There answers are all about the construction of the retaining wall on my property and not about the property line wall.

Question #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.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Ann Collins: 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. Eckert 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 view to the open waterway from our deck, kitchen bay window, living room windows, 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 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.

Steve Collins: 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.
Art & Joan Myers
Tony Lhotsky
Ann Collins
Linda Senez

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Todd Senez
David Woodard
Myself

Senez: Neither one of the Collins answers address the question the interrogatory asks. This is just all about their water view. The replacement of the retaining wall was my wall on my property.

I followed all of the Baltimore County requirements at the time. Permit # B555457 for the wall, steps and landing, applied for and approved 5/11/04. Permit # B556132 applied for 5/14/04. This wasn't approved and I had to file for a zoning variance because of the Collins continuous protests. The Collins also protested in the hearing. The area in question is on the south side of my property not the Collins side. It is a little larger landing and is a zero lot line because that's where the old retaining wall went to. The neighbor on the south side 343, Fred Langsfeld gave me a letter of approval for the hearing. The Zoning variance was granted on 3/29/07, case #05-298-A. The permits and variance were all filed for before the Collins filed suit. I didn't need a permit for the fence on top the retaining wall. The height of the wall was not a code violation. The only reason I had to file for the permits in May was because of the Collins constant complaints. The only reason I had to file for the variance was again the Collins constant complaints.

Baltimore County never indicated to me in any way that they thought I was taking advantage of the situation. It was actually the opposite. They wouldn't have offered to testify on my behalf if I had taken advantage of the situation.

Collins view is not obstructed. Their house is not turned to take advantage of the open water view. Collins water view is in front of their house just like everyone else's. They actually have a great water view if they would trim the lower branches of their tree. There is no law protecting water view.

A "No Trespassing" sign was put up on my property and was meant to keep Collins from coming on my property after they harassed a contractor while working on the fence and deck on my property in May 2004. They wouldn't stay out of my front yard once they discovered the property lines crossed. The sign was put up 5/15/04; the sign was taken down after I obtained a peace order against the Collins as part of the peace order agreement 6/26/04. The Collinses never say why according to them I all of a sudden restricted access to the boat ramp that was co-owned.

If you were familiar with the area the "no trespassing" signs were posted you would know that's a ridiculous statement by Steve Collins. Lots of people have no trespassing signs so this wasn't something out of the ordinary.

The security cameras have nothing to do with the Collins and are not pointed at their house. I'm way too busy; I don't care what they do.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

The light pollution they claim is from a 70 watt bulb under the boat house roof and 210 feet from the closest corner of the Collins house. That light was there when I bought the house and is a Coast Guard regulation. There's another coach light near my basement door and that is 87 feet from closest corner of their house. That light was there since early 2001. The Collins house also sits much higher. It is the only light on the north side of my house!

I didn't allow storm water to damage their property. I wasn't damaging their property or bulkhead and Baltimore County confirmed this on a regular basis for two and a half years prior to the trial. The Collins bulkhead had more damage to the north side that is furthest from my property. I have pictures. Baltimore County inspectors were willing to testify on my behalf and I have copies of the Baltimore County files regarding my property. There wasn't any damage to the Collins property from mine. The Collins bulkhead had been there since the 30's and was in dire need of repair. The tide overflows their bulkhead probably thirty times a year and they don't use ice eaters in the winter. They put this in the lawsuit in hopes of making me pay for the repair of their bulkhead. In November 2013 the Collins finally repaired their bulkhead with rip rap. If Mrs. Collins was put on medication it was her own fault for making up all these lies.

Their shed is entirely in their front yard. The boat ramp was neither, shared or co-owned. I wouldn't have purchased the property under those conditions. I walked away from properties that had fewer problems than a shared boat ramp.

Collins never arbitrarily used the boat ramp. It was never assumed the ramp was in any way co-owned and is evidenced by Mr. Myers testimony. I wouldn't have purchased a home with a co-owned boat ramp and I'm sure many people would feel the same way.

The Collins built a ramp from an old ladder they got from Mr. Myers and the bottom pieces from my wood fence in 2001-2002, a ladder ramp. They used the ladder ramp the whole time they have lived there, it's still there. In court the Collins said they built the ladder ramp after I obtained the peace order on 6/25/04, which is a lie. A picture of the ladder ramp is on the website and that picture was taken on 9/20/03 right after Hurricane Isabel. You can see the old creosote railroad tie wall that was torn down 12/20/03. If the Collins had access to my boat ramp they certainly wouldn't need a ladder ramp and they wouldn't have to lie about when they built it!

Question #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.

Ann Collins: See answer number 26.

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

Steve Collins: 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.

Senez: They have not answered the question as to why they think they are entitled to a water view across my property. Collins view is in front of their house just like everyone else who lives on the water. Their view is blocked by their own trees and plants. I provided Mr. Carney with pictures proving this. Collins trimmed the lower branches of an evergreen tree on their property which gave them a greater view across my front yard while their house was still under construction. The trimming of the lower branches of their other two trees will give them a greater view in front of their own house. They have a gorgeous view in the winter.

Total lie and it would be impossible to have made “the new replacement retaining wall and fence nearly five feet higher.” There is no way I could have done that even if I wanted to. The upper ground is the same height. This was all documented with pictures. I have five different ways to show the wall isn’t higher. In addition the wall contractor Padgett Construction, Tony Lhotsky my landscaper and my lawn service at the time, (Bawmler Lawn) could all testify that the wall wasn’t any higher.

I’m not sure what Steve Collins is talking about with regard to the southeasterly view being “further” obstructed.

If Collins lied about all of these things then they would obviously have no problem lying about the question they said I asked. That question however is not in the complaint, interrogatories, Collins answer to the Counterclaim or in Mr. Myers deposition. It was also not known by my attorney. They were just throwing stuff at the wall to see what would stick.

Question #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.

Ann Collins: Three surveys; aerial picture from County and neighborhood survey.

Steve Collins: 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 and answer.

Senez: Mr. Myers petition for a zoning variance dated February 10th, 1984, states that the walls were there prior to his purchasing the house in 1981. The Collins actually brought up

Senez Counterclaim & Collins Answer to Counterclaim for Title by Adverse Possession & Collins Interrogatories - Rebuttal

the zoning variance during Mr. Myers deposition. The original listing for the Collins house does not include a boat ramp, my listing does. I gave Carney copies of the variance and both of our property listings prior to the trial and they were also in the white binder that I dropped off to Carney's office on 12/5/06. Old planning maps show the water runoff table and the sliver of property in dispute. The Collins side of the boat ramp is 18 inches wide at the bulkhead.

I have no idea what Steve Collins is saying here or what it means!

This whole lawsuit was ridiculous and absurd. They had nothing concrete to obtain their objective of a better water view so this was all made up to try and intimidate me in some way. The Collinses were allowed to drone on and on in trial court about things that they made up and had nothing to do with anything or things that had already been resolved.

The permits were obtained before the Collins filed suit.

The variance was filed for before the Collins filed suit.

There was no evidence that I directed drainage or anything onto the Collins property.

Baltimore County said there was no evidence of damage to the Collins property from mine.

Collins bulkhead was more damaged on the north side not the side closest to me.

I have one light on the north side of my house, a 100 watt coach light.

There was no evidence that I directed lights towards the Collins.

There is no legal remedy for protection of your view in Maryland.

This should have all been dismissed with a Motion for Summary Judgment. It's criminal that an attorney would take such a ridiculous case!