

Judge Souder Transcript Outline – Closing Arguments Case No 03-C-04-10227 12/11/06 – Rebuttal

Rev. 8/4/14

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 Collins were allowed to drone on and on in trial court about things that either had nothing to do with anything or things that had already been resolved.

Page 165: Carney: eastern aspect of the Senez/Collins property. And I would respectfully submit that the survey speaks for itself. Mr. Myers deposition testimony----

Court: Again excuse me, I have to take a brief break, so I apologize for this interruption

Senez: The Judge is obviously preoccupied; she kept looking down at something and then just jumped up and said she has to take a break during Mr. Carney's statements to renew the motion for judgment. He didn't finish his statement. The first day of trial 12/8/06 Judge Souder said we had to stop at 1:00.

Court: Apologize for the interruption. All right- with respect to the Motion for Judgment of Acquittal was starting to sound like closing arguments.

Mr. Carney: It was. I'm going to sit down. I will let Mr. Thompson, Mr. Jenkins say what they feel is appropriate.

Senez: Carney gets interrupted and just sits down and doesn't finish! This was ridiculous.

Closing Arguments

Page 166: Mr. Thompson - The signs speak for themselves.

Added with floodlights, security camera's and, you know, some of that does make sense, taken all together, I know in context, if you'll use the totality of the circumstances argument here.

Senez: There is no totality here, the Collins are liars. Flood lights there in early January 2001 and they were never directed at the Collins. How would that benefit me? The security cameras were bought as a Christmas present for me December 2003 before we had problems. Ann Collins wrapped that present. (However those cameras never worked but they were there.) I was renovating my house, dealing with the damage from Hurricane Isabel, taking care of my elderly sick father, working full time. Why would I want to waste my time watching the Collins?

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Carney never asked me about the Collins exhibits prior to court. I only saw them as we were walking to the court house the morning of trial. The below exhibits are duplicates #1, 22 & replace #24; #6, #8; #7, #9.

The drainage exhibits Collins presented are all on my property. My property extends about 12 inches on the other side of the property line wall in that area, onto the Collins side. Exhibit #'s 11, 12, 13, 15,16

Collins exhibits don't even support their complaints!

Collins exhibits:

- #1 No trespassing sign. Sign on a stake on my property, the same as exhibit #22 and replace the sign in #24. This was taken down on 6/25/04 after the Peace Order hearing so shouldn't have been admissible.
- #2 911 sign – not mentioned in lawsuit or interrogatories. Was put up after the vandalism to my property
- #3 Party decorations from May 2004 party- prior to lawsuit and not mentioned in lawsuit or interrogatories. This shouldn't have been admissible.
- #4 Best Buy camera and camera sign – clearly pointed down my yard.
- #5 Boat house Mick Jager tongue – not mentioned in lawsuit or interrogatories. Put up 11/2/05.
- #6 Nosey Neighbor Sign – pointed directly where Collins would hide behind their garage and harass my friends and guests. Not mentioned in lawsuit or interrogatories. Put up 10/20/05
- #7 Smile your on Camera sign – placed directly where Ann Collins wouldn't leave the contractors alone. This sign replaced exhibit #9. Put up 8/9/06.
- #8 Nosey Neighbor Sign- is the same sign, same location just a different angle as exhibit #6. Put up 10/20/05
- #9 Smile your on Camera sign – this was the first sign in that area and was replaced by sign in exhibit #7. Not mentioned in lawsuit or interrogatories. Put up 8/9/06.
- #10 Save the Boathouse Legal Fund – this is my sign for my party and shouldn't have been entered as an exhibit. Not mentioned in lawsuit or interrogatories. Put up July 2006.
- #11 The fence and wall are on my property. No indication of when this was taken or why the water was flowing. For all I know Collins could have set up a hose to run there and taken the picture. Collins and their attorney's including Carney can't read a survey. Exhibits #11, 12, 13 and 15 are probably all taken the same day.
- #12 Flow of water - No indication of when this was taken or why the water was flowing it doesn't appear to be raining. I could have been emptying the swimming pool. Exhibits #11, 12, 13 and 15 are probably all taken the same day.
- #13 Flow of water near jog - No indication of when this was taken or why the water was flowing it doesn't appear to be raining. I could have been emptying the swimming

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- pool. Exhibits #11, 12, 13 and 15 are probably all taken the same day.
- #14 Water in Collins front yard – No indication of when this was taken and why the water was there. It could have been a heavy rain, Collins property flows down to that area. Or it could have been an extremely high tide that had receded.
- #15 The fence and wall are my property. My property extends on other side of wall in that area so I don't know what the point of this was. No indication of when this was taken or why the water was flowing, it doesn't appear to be raining. Collins could have set up a hose to run there to take the picture. There may be a logical explanation since nothing has changed with my property since 2004 and the Collins certainly aren't worried about the drainage anymore.
- #16 The fence and drain pipe are on my property. The drain runs to my wall and my Property extends on the other side of the wall about 12 inches. Collins should learn how to read a survey. The wall up to the jog is inside my property line. The jog is 19 inches not 3 feet as the Collins said and 10 of those inches are on my property.
- #17 That's my sump pump drain on my property. It's not 3 or 4 feet high as Ann Collins stated in court. It is the end of the same pipe as in exhibit #16, and drains to the wall on my property.
- #18 My side yard – I don't know what the point of this exhibit was. The wood horse is there because I had to put a guide wire to hold the fence up and didn't want anyone tripping over it at my party. The caution tape was put there for the same reason.
- #19 View from Collins yard over to my yard. As you can see the fence on top my retaining wall is insignificant. Collins view is in front of their house just like everyone else's.
- #20 Shows jog in the wall and the fence. My fence runs right along the wall. The jog is 19 inches and 10 of those inches are on my property. No one can apparently read a survey! I think this is a picture of the string line Collins ran from the back of his shed and he took it down the middle of the boat ramp. The survey clearly shows that half the ramp didn't belong to the Collins. This was on 5/25/04; this was the first time I called the police on Collins.
- #21 Shows fallen wall at the jog. You can see the guide wire clearer in this picture, which is holding up the fence. The caution tape was put up so no one would lean on the fence and get hurt.
- #22 No trespassing sign and you can see it's on a stake inside my property line. Same sign as in exhibit #1 and replaced the sign in #24. This was taken down on 6/25/04 after the Peace Order hearing so shouldn't have been admissible.
- #23 This is a picture I took before I bought the house. It shows the jog and old terrace wall. There was clearly no reason for me to believe the wall was not the property line. Steve Collins stated in court, page 107 that the picture must have been taken before they bought the property because there were no plants along the wall. In fact I took the picture the end of January 2001; Collins bought their house on August 15, 2000.
- #24 No trespassing sign is on my fence. This is the one Collins spray painted black. This sign was replaced by the sign in exhibit #1 & 22, which are the same sign. The same sign that was taken down after the peace order on 6/25/04.

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- This exhibit also shows how the wall that Mr. Cook built went all the way down to the bulkhead. Mr. Cook didn't leave any access to the 341 side.
- #25 Snow picture dated 1/19/00. You can see the slope in my front and side yard. I had That removed and pulled in closer to the house in the front and on the north side when I replaced the creosote railroad tie retaining wall.. The upper ground level is no higher than it was before. You can also see the concrete patio in the Collins front yard. I seriously doubt they sat on my boat ramp as Ann Collins stated they did. The ramp often has duck and geese guano on it. And moss grows on the ramp.
- #26 Ann Collins and her granddaughter feeding the geese on my boat ramp. You can see the wire fence so this was taken prior to 6/22/02. This is the best Collins could do given they said they used the boat ramp all the time with family and friends up until the peace order on 6/25/04. Ann Collins and her granddaughter are trespassing since they are on my side of the boat ramp!

Thompson: you have heard from Ms. Senez words to the effect, afraid of Mr. Collins harassing her or talking (should be stalking) her.

If you are afraid of somebody talking (stalking) her. I just want to suggest with respect to the signs, if you are afraid of somebody talking (stalking) to you or harassing you, it is inconsistent to taunt them with signs. Maybe not a nuisance maybe comes down to taunting.

Senez: I never said or implied I was afraid of Mr. Collins or Mrs. Collins, I said he threatened me. I wasn't taunting them; I wanted them to leave me alone. I documented a lot of their behavior during that time, the harassment, calling the County, calling various other agencies, EPA, DEPRM, etc. I endured their behavior for a year and a half, from April 2004 to the fall of 2005. The only sign up prior to the Collins filing the law suit was the no trespassing sign, which was taken down after the peace order hearing on 6/26/04. It was put up because once they discovered the property lines crossed they wouldn't stay out of my front yard. However they never said anything about being on my property in the back. They mentioned it once in the 4/5/05 letter, and then acted like they weren't aware they were on my property in the back. Very late in the afternoon, on 12/6/06, a day before the trial, they filed an amendment to their law suit for adverse possession in the back. They said they didn't know until Mr. Myers deposition on 10/25/06 that they could file for that area. Their survey was completed on 6/25/04 so they should have known then. The trial date was 12/08/06, trial transcript page 5 & 6. Based on the 4/5/05 letter, they also lied about this in court.

On April 05, 2005 Collins had their attorney Neil Lanzi send me a letter, a copy is on the website. The demands in the letter where ridiculous and stated it was, "to at least partially settle this case." It wasn't till I got tired of being harassed in my own yard in my own house that I put up signs. This is evidenced by the fact that they weren't mentioned in the complaint or interrogatories. I can also document thru emails and pictures.

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Page 167: Thompson: Want to negotiate a lower price. I think we have proven, at least, nominal damages.

On the issue of trespass, the fence was built within the disputed area. The area highlighted in blue on that one exhibit is evidence of trespass, continuing trespass.

Senez: I had no idea that was not my property. I wouldn't have purchased the property under those conditions, nor would anyone else. Collins exhibit #26 picture, Ann & granddaughter on boat ramp, taken prior to the wood gate but after I moved in since you can see the wire fence, I put up. The wire fence was there between 11/2000 and 6/22/02, when I had the boat ramp repaired at my own expense. They are trespassing on my side of the boat ramp. They couldn't use the boat ramp without trespassing since their side is so narrow, 18 inches at the bulkhead. Collins are also trespassing on my land in the back, the north west end of my property, they are on my property by 347 sq. ft. Just curious, if the Collins thought the wall was placed where it was placed for a shared boat ramp why the property up to the wall wouldn't be shared on my side? Wouldn't it have been a trade off? The Collinses only have 18 inches of boat ramp at my bulkhead?

Thompson: The water directed on the Collins land, or I guess in the light most favorable to the other side, I will say the disputed territory, we assert is trespass.

Senez: I didn't direct anything towards the Collins property. See my exhibit outline under drainage. Over a two and a half year period Baltimore County couldn't find any evidence of damage to Collins property from mine on either side of the wall. Mr. Carney had the Baltimore County records and the names of the inspectors who would testify on my behalf. The drain the Collins so adamantly protest doesn't run to their property. That drain goes to my wall, which is about 12 inches inside my property line, just look at the survey. Baltimore County said this wasn't a code violation.

I suppose if I wanted to be real clever. I could say light was trespass.

Senez: See my exhibit outline under lights. Nothing was directed at the Collins. The basement door light was there from January 2001 and Collins never said a word. There was no reason to direct the lights at the Collins. The same lights are there to this day. The closest light to the Collins house is a Coach light with a 100 maximum watt bulb, 87 feet away and it sits lower than the Collins house. That is the "only" light on the north side of my property.

Page 168: Again, I'm not arguing about the natural flow of water, that is that it is, but the fact that it is there and it is directed at the Collins Property.

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Senez: There is nothing directed at Collins property! Mr. Carney had the Baltimore County records and the names of the inspectors who would testify on my behalf. The drain they so adamantly say runs to their property, doesn't. That drain goes to my wall, which is about 12 inches inside my property line, just look at the survey.

Mr. Myers deposition transcript, at one point Mr. Myers says his sump pump emptied into the driveway. I'm not finding that reference right now, 18 to 21 so clearly some things have changed.

Senez: This is page 20 in the transcript. Mr. Myers also talks about the driveway on pages 18, 26, 27, 42 & 91. If you look at the area's he's describing on these pages he's referring to the entire side of the house down to the boat ramp as the driveway.

See survey joint exhibit #2. The sump pump is on the side of the house. The house is below the asphalt driveway. I could not have moved the house. Mr. Myers is referring to the area driving down the side of house to the boat ramp.

Court: Now on to quiet title. Ms. Senez claims she has superior title to the lands we highlighted in blue adverse possession.

Page169: Thompson: Myers testifies that Myers and Cook worked together. Cook built the wall.

Senez: That is not true and is not in Mr. Myers deposition! Mr. Myers never said that he and the Cooks worked together. In fact Mr. Myers said the exact opposite. This is the story the Collins made up and Thompson is either parroting or lying about. The only reference that comes close is when Mr. Myers says he tied the side boat ramp wall that Myers put in, into the Cooks bulkhead to help stop the Cooks property from eroding. Why build the boat ramp on the smaller of the two properties? Cooks / Collins property is more than twice as wide as Myers / mine. Mr. Cook could have put in his own boat ramp, he wouldn't have to share a boat ramp. The wall was there before Mr. Myers purchased the property. So this is absolutely a lie! Mr. Cook ran the wall right down to the end of his bulkhead, he didn't even leave access to the boat ramp side, Mr. Myers side. The concrete block wall at that point was 24 – 28 inches high.

Mr. Myers Deposition Pages:

13 Myers put ramp there

14 Myers put ramp in himself

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

38 Myers launched boats from there, 28 foot pontoon

38 No complaints the ramp encroached onto 339's property

48 Myers responsible for putting in boat ramp

49 Mr. Cook never objected

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49 Mr. Cook not involved in any way. (So not a cooperative effort for a boat ramp)
55 No idea who constructed wall, It was there when I got there. Property included ramp
82 No knowledge where the exact line was
83 Myers built the ramp
89 Launched boats after first securing permission
71 Myers intention was that he was selling the boat ramp with the house.
71 Myers didn't recall anybody else using the ramp other than himself
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
38, 59, 60, 70, 71, 89, 90. The boat ramp was used with permissive use only.
23, 24, 37 and 55, The wall was there before Myers purchased the property, therefore not a cooperative effort for a co-owned boat ramp.

Thompson: Plaintiffs exhibit #23- Only way to get a boat or trailer being pushed around by a truck or car down the side of Ms. Senez's house is for the wall to make a jog, like the creosote railroad tie portion that was formerly there also made a jog.

Senez: Not true! Thompson's statement is also not logical. If you are backing a trailer down the side of the wall the jog in the property line wall would be inconsequential. Pulling forward the jog in the wall again would be the same. The jog in the property line wall does not allow for more room backing down or pulling up the ramp on the side of the house. Just look at the survey! The narrowest area is between the concrete slab the Collins shed sits on and my house. Mr. Myers also put the retaining / terrace wall up after he purchased the house and the property line wall was already there. Obviously Mr. Myers didn't care about the jog in the retaining / terrace wall since he put it there.

Mr. Thompson says the creosote railroad tie portion that was formerly there, referring to the jog in the terrace wall, is the "only way" this is not true either! The property line wall was there when Myers purchased the house. The terrace / retaining wall was installed afterwards, meaning Mr. Myers put the jog in and it was of no consequence.

Myers deposition pages:

40- Mr. Myers installed the railroad tie wall, in the 80's when first purchased. No other type of wall there before Myers did the railroad tie wall;
66- Mr. Myers built the railroad tie wall
84 No problems very carefully. Tight fit. There was a hitch in there in the wall that hitch used to get me. (This would be the terrace hitch Myers put in.)

This was all outlined in the emails, documents and PowerPoint presentation that I gave to Mr. Carney.

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Thompson: It is not just the width, your Honor, also the length. It is 18 to 20 foot long. A pickup truck and 20 to 25 foot long boat behind that have to be jog in the wall in order to maneuver that down there.

Senez: The only jog possibly affecting the maneuvering down the side of the house is the creosote railroad tie wall that Mr. Myers added after he bought the property. So it clearly didn't affect anything or he wouldn't have put it in. The property line wall was there before Mr. Myers purchased the house; the creosote railroad tie wall was put in afterwards.

Mr. Myers deposition pages:

40 Mr. Myers installed the railroad tie wall, in the 80's when first purchased.

61 No other type of wall there before Myers did the railroad tie wall

66 Mr. Myers built the railroad tie wall

Page 170: Thompson: Cook built the wall; he built the wall as an accommodation to neighbors.

Senez: Accommodation for what? Myers said he believed the wall was built for drainage, runoff and erosion. Never once did Mr. Myers say for a boat ramp! Baltimore County said the same thing. In addition why is the wall in the back, from the road to the property line wall jog, inside my property line? Why is the concreted slab Collins shed sits on, on my property? Maybe the jog just tries to correct the property line and give back some of the property. Maybe, just as I have since found out they discovered the wall wasn't on the property line sometime in 1973-75 and decided to just leave it the way it was.

Mr. Myers deposition pages referencing erosion.

Page 25, Wall for the runoff all the way from the road

Page 62, Wall for erosion

Page 67 Wall to hold back the water, runoff.

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

Page 91 Wall put up for the runoff.

Thompson: Worse case scenario for us, what Mr. Cook might have been doing is granting easement for the purpose of putting a boat in the water at the boat ramp.

Senez: Myers wouldn't have needed an easement to put a boat in the water at the boat ramp. The area was wide enough all the way down. Mr. Myers said he backed boats down. The narrowest area is between the concrete slab the Collins shed sits on and my house. That would be the area to dictate whether a boat could be backed down to the ramp. If you can get a boat and trailer thru there you can get it the rest of the way. All of this was documented in the PowerPoint and survey given to Mr. Carney. Mr. Myers never said it was for an easement. Thompson is making this up just as the Collins did!

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Page 38 Myers said he launched boats from there, a 28 foot pontoon boat.

Thompson: We have the un-controverted testimony of the Collins who said they used the area of the Myers boat ramp. If he did or didn't how would she know.

Senez: Not true! Mr. Lanzi and Collins tried to get Mr. Myers to say that the Collins used the boat ramp in his deposition. Mr. Myers said, "No". Mr. Carney never addressed this in the closing argument.

Mr. Myers deposition pages:

62, 71, 72, 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.

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

38, 59, 60, 70, 71, 89, and 90. Permissive use only: Pages

59 Others used the boat ramp; Mr. Myers says, the son in law of George Cook, used it.

And others while the local boat ramp was closed with permissive use.

Thompson: Now all the elements of adverse possession do coalesce in that area highlighted in purple. The reason for that is Cook built the wall. Cook built the wall according

Senez: That's the GIS topography map that I paid for and I had mounted to show the drainage issues. Thompson had Collins color in the various disputed areas. It was never used as I intended! I don't believe Mr. Carney even knew what it was for.

Page 171: Thompson: to Myers testimony, and maybe somebody before Cook Built the wall because the wall certainly was rebuilt

Senez: Mr. Cook built the property line wall, meaning that the wall, an existing barrier, had been there for more than 20 years! He didn't even provide an access to the 341 side, Mr. Myers side. Myers built the boat ramp after he purchased the property with no assistance from Mr. Cook!

I have twelve signed affidavits that say the wall was there in the early mid 70's. George Cook III, and Iris P. Wallis, Sharon Danielczyk (son and daughter(s) of Mr. Cook) said their parents realized the wall wasn't on the property line sometime in 1975 when the Rodgers on the other side of the Collins, 337, had a survey done. The Cooks decided to

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just let it go along with the parties and property owners on both sides of the Cooks. I also have a signed affidavit by John (Jack) Rodgers and a copy of the survey, further proving the Collins are liars! Dennis Danielczyk, SR signed an affidavit stating the same and he launched boats on Mr. Myers boat ramp with permission. This is legally my property!

Mr. Carney should have been reciting existing barrier cases not Thompson. Adverse Possession isn't anything new and there are cases with similarities to mine. Tamburo, 203 Md. 329. The Court Of Appeals followed what it called the "modern trend" and held that "where visible boundaries have existed for the period set forth in the Statue of Limitations, title will vest in the adverse possessor where there is evidence of unequivocal acts of ownership." The Court also held that "the fact that the possession was due to inadvertence, ignorance, or mistake is entirely immaterial." There are numerous other cases similar to mine. Mr. Carney said in his deposition that he knows more about adverse possession than most lawyers, page 35. Page 119 he said he's been doing this so long he could do in his sleep. Carney never cited one adverse possession case in the trial court!

The spirit of Myers deposition transcript is that line was the demarcation, if you will of the property. I have case law on that that says when, you know, a wall or fence that serves as a demarcation line, that is pretty good evidence that somebody has sequestered an area and that there is some adverse possession going on there.

Senez: Myers believed the wall was the demarcation line. Thompson is using this to say there's adverse possession for the Collins in the back of our properties but that it doesn't apply to the front! It should have applied to both our properties. Carney should have cited the legal case of Tamburo. Mr. Cook left a tiny sliver with no access from his side. He took the concrete block wall all the way down to the end of his bulkhead and the wall was 24 – 28 inches high at that point.

Court: I don't know when the wall was built

Senez: Mr. Myers says it was there when he purchased the home. At the end of the case, Judge Souder still doesn't know when the wall was built.

Mr. Myers deposition pages 37, 46, 55, 56, 60, 61, 63, 64, 65, 82, 84, 86, 87, 92, 93 and 94. The wall there 20 years, pages 23, 32, and 38

Page 172: Thompson: Mr. Myers says Cook rebuilt the wall at some point between 1981 when Myers took possession of 341 and 2001 when Mr. Myers left.

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Senez: Mr. Myers sold the property and I moved in the end of November 2000 not 2001 as Mr. Thompson just stated!

Court: The other part of the wall, I don't know that it has been there for 20 years, that's the problem with the adverse possession claim on behalf of the Collins.

Senez: Mr. Myers deposition pages 37, 46, 55, 56, 60, 61, 63, 64, 65, 82, 84, 86, 87, 92, 93 and 94.

Mr. Myers garage variance from February 10, 1984 says there were walls on both sides of the property when he purchased the house. The garage variance was mentioned in Myers deposition pages 65 & 90.

Mr. Myers deposition pages; 23, 32, 38. Wall there 20 years.

Page 173: Court: I mean he seems to – seems very vague about the wall, when it was built.

Senez: Myers was very, clear. Wall was there when Myers purchased and the wall down in the front fell and Mr. Cook rebuilt the wall in the same footprint.

Mr. Myers deposition pages 37, 46, 55, 56, 60, 61, 63, 64, 65, 82, 84, 86, 87, 92, 93 and 94.

Mr. Myers garage variance from February 10, 1984 says there were walls on both sides of the property when he purchased the house. Mr. Myers deposition pages 65 & 90

Mr. Myers deposition pages; 23, 32, 38. Wall there 20 years.

Thompson: Yeah, he is vague on a number of things. In fact, I think that's why you have to get 50 pages deep in the transcript and discover Mr. Myers is actually talking about the wall on the other side of the property for an hour. So now there is some vagary in that transcript.

Senez: This is Mr. Carney's fault, he took the deposition! I don't believe that's the case at all! Mr. Myers kept trying to tell Mr. Carney that he was talking about the south side of the property where he put up a fence. Mr. Myers then seems to give up, in several places

Court: Page 173 the 337 property, part of the wall he was talking about.

Senez: No, he's not. If you follow along with the survey and the fence Myers is talking about you'll know he was always referring to the south side. This fits right in with the

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garage variance Mr. Myers filed for and was granted on February 10th, 1984. He had to file for a one foot side yard setback variance instead of the two and half foot side yard setback. I'm 341, Collins are 339, 337 would be on Collins north side/

Page 9, line 19-20, I had it done for the fence, I didn't know where to put the fence

Page 31, line 11-14 Myers is talking about what the surveyor told him, there was a foot difference between the wall and where he put a marker.

Page 31, line 20-22, Myers says he was about a foot back from the property line

Page 33, line 12-15, Myers says he was interested in the fact fence was illegal

Page 34, line 9-11, Myers says he got the survey because he was concerned about the fence

Page 34, line 14- end, Question that it was inside of 339's property line? Myers says no, no, no. Let's just say I had the property surveyed to sell it.

Page 34&35, line 24-25, Dowell says, Myers isn't talking about the 339 property line

Myers says I'm talking about the other side of the property

Page 35, line 5-7, I mean, no, no, no, the other side, the south side of the property where I built the fence, a wooden fence.

Thompson: Would it be 343

Court: No, 343 is on the other side of Ms. Senez.

Senez: Correct, that's what Mr. Myers is talking about. The side he built the fence on. This fits right in with the garage zoning variance where he filed for a one foot side yard setback. The garage variance was mentioned in Myers deposition pages 65 & 90.

Thompson- So the cinder block wall on the other side, we, yeah, that's right, did talk about that forever.

Senez: No we didn't! Lanzi did the deposition. Thompson wasn't there.

Court: All right. So I don't have in looking at his testimony, what I don't have is any indication, I mean, I have a question mark, maybe the late 80's.

Senez: The wall was there when Mr. Myers bought the house. Mr. Myers built the ramp when he moved there. Mr. Myers built the terrace wall in the early 1980's.

Mr. Myers deposition pages 37, 46, 55, 56, 60, 61, 63, 64, 65, 82, 84, 86, 87, 92, 93 and 94.

Mr. Myers garage variance from February 10, 1984 says there were walls on both sides of the property when he purchased the house, Myers deposition pages 65 & 90.

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

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Page 174: Thompson: At transcript #67 I believe Myers talks about the wall, says it existed in 1980. At (page) 50 to 51 he talks about the wall, Cook had the wall built to the bulkhead, existed. 1980 fell down, was put back up by Cook with weep holes in it. I believe the fair reading; we are talking about the same wall in both those instances. At transcript 31, 37 & 86 boundary line he believed one foot back from the wall.

Senez: From the survey he had done when he was going to sell the house because of the fence he put up on the south side of the property. This fits right in with the zoning variance Mr. Myers obtained in February 1984, on the garage for a side yard setback of one foot, Myers deposition pages 65 & 90.

Page 174: Thompson: At transcript 32 and 33 Mr. Myers says he showed Ms. Senez the property line. One foot in from the wall meaning in toward her residence. But the survey contrasts that with Ms. Senez's testimony today when she said she didn't know where the property line was.

Senez: Not true! Mr. Myers doesn't say that, it's amazing how everyone just says whatever they want with no basis in fact! He never said he showed it to me. It was out of the normal purchase. I explained to Mr. Carney the day of the deposition during a break and again on 10/30/06 and 12/4/06, the house wasn't on the market when I had the realtor approach Mr. Myers. I had two Realtors who would have testified on my behalf. HSA Realty doesn't have and never had a survey on Mr. Myers property. There was no reason for me to believe the wall wasn't the property line. My side of the wall, the property extends out a lot further. I gave Mr. Carney the realtor's names the day of Mr. Myers deposition, and on 10/30/06 and 12/4/06. He never called either one of them.

The dialogue from Mr. Myers deposition on the survey is on pages 32 and 33.

Mr. Carney asks Mr. Myers, When you were made aware of this situation by your surveyor, what if anything did you do at that time?

Mr. Myers responded, "Basically, I put it in the sales thing.

Mr. Carney: Tell me what you mean.

Mr. Myers: Basically I showed it to the prospective buyer.

Mr. Carney: As being--Let me be clear for the record what did you show to your prospective buyers?

Mr. Myers: the survey.

Mr. Carney: and specifically, you pointed out to the prospective buyers that the wall was about a foot inside the property line of 339?

Mr. Meyers: Did I ever point that out to you. (Mr. Myers was asking me!)

Ms. Senez: (No response)

Page 33, Lanzi the defendant is continuously nodding her head and shaking her head. Page 34, I said, that was the first time. (meaning when Lanzi said I was nodding my head). Mr.

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Myers wasn't facing me anyway! Lanzi said this as a ploy to make me look bad because the deposition was going in my favor.

Mr. Carney should have addressed this in his closing but he didn't. In fact the Court of Special Appeals Opinion filed 10/3/08, picked up on this on page 17; "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

Mr. Myers was talking about the south wall.

Thompson: Transcript 37 through 39 boat ramp now back in blue area, had been used by him for 20 years, but he never says he was the only one that used it. And as to his adversity on that element.

Senez: See my exhibit outline, boat ramp. Myers always says with permission. He let other people use the ramp just as you would let other people use something you own, your lawnmower etc. Mr. Myers deposition, "permissive use only," pages 38, 59, 60, 70, 71, 89 and 90. Mr. Carney never points out any of this! Adverse possession elements do not say that Mr. Myers would have to be the only one to exclusively use the property.

Page 175: Thompson: transcript 60

Senez: This is the page where Mr. Myers talks about others occasionally using the boat ramp. A shared boat ramp would have certainly put a damper on the sale. The fence was my first priority, as evidenced by the fact that I had it put up before I went to settlement. If I couldn't have the fence for my dogs, I wouldn't have bought the house. A shared boat ramp is not practical, it would create liability issues. I probably wouldn't have purchased the house. I'm sure other prospective buyers would feel the same way.

Mr. Myers Deposition pages:

Page 36, Mr. Myers attended settlement, showed up signed documents, Mrs. Myers there.

No title problems brought to your attention.

No discussion about what the survey revealed.

Page 37 Title Company didn't take exception to the survey.

No negotiation or renegotiation once survey brought to her attention

Thompson: Transcript 93 through 94. There's no, never a gate put up at the boat fence. No fence, no anything of that kind when he was at 331, so it does not exclude Cook or later Collins from using the, use and enjoyment of that.

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Senez: The fence was up in Nov. 2000, before I settled on the property.

Trial Transcript page 18 & 36 Ann Collins states the fence was there before I moved in. **Steve Collins page 65 & 66** – states the fence was up before she settled. **Trial transcript Senez page 99, 100 & 148** – I stated that I had the fence built before I settled on the property. **Carney trial transcript** stated on page 100. The Court of Special Appeals said it on page 12.

No one, Myers or Collins ever said a word to me. Mr. Myers gave me the contractors name since I didn't know one in the area. Collins never said anything to Mr. Myers, the contractor or me. The fence and gate did not preclude Cooks/Collins from the boat ramp, the property line wall that Mr. Cook ran all the way down to the end of his bulkhead did! The fence only followed the property line wall. The gate was never locked. Collins said they used it all the time up until June 25, 2004. Which is an outright lie since they never used it without asking my permission! However the fence and gate were there all during that time and they never said it precluded them before June 25, 2004. This information was all documented in the PowerPoint, with pictures.

The Collins never used 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. I refer to it as 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.

Thompson: The line is pretty clear. Looks like about 20 percent of that boat ramp clearly on the side of the Collins side of the line.

Senez: It isn't 20 percent and it's a pie shaped sliver. The Collins side of the boat ramp is 18 inches at my bulkhead.

Even worse case scenario is, it is an easement to Myers and perhaps successors in title. You don't fence in an easement granted to you by some other person.

Senez: Easement for what since it was there before Mr. Myers purchased the property. Myers never said an easement or for a boat ramp. The property line wall was there before Myers bought 341 Worton Rd.

Page 46 Mr. Myers says there were no written easements with the Cooks.

Page 38 Mr. Myers says no complaints the ramp encroached onto 339's property

Page 49 Mr. Cook never objected

Pages 23, 24, 37 and 55, The wall was there before Myers purchased the property, therefore not a cooperative effort for a co-owned boat ramp or an easement.

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Page 176: I believe that we're talking about the same wall, is the same wall Mr. Myers is talking about that fell down and was rebuilt by Mr. Cook. And that's it.

Senez: Yes we agree that it's the same wall, and the wall that was there when Mr. Myers purchased the property. Mr. Myers built the creosote railroad tie retaining / terrace wall after he bought the property, so the property line wall jog was "not" put in to accommodate a boat ramp.

Carney: H.L. Menkin, good wall, good fence makes good neighbors.

Senez: Instead of jokes Mr. Carney should be citing adverse possession cases, citing Mr. Myers deposition pages or making assumptions like Mr. Thomson did and asking why is the wall in the back, from the road to the jog inside my property line? Why is the concrete slab Collins shed sits on, on my property? Maybe the jog just corrects the property line. The jog was 19 inches (not three feet as Collins said, see survey) and 10 of those inches are on my property. Maybe the walls and concrete slab were put in, not knowing where the property line was and after it was discovered they decided to just let it go. That's what the affidavits I have say! They are available upon request.

Carney: This is a case where some red herrings have been thrown up in the pleadings on the bench for the Court's consideration about nuisance.

Senez: Mr. Carney is so arrogant if he would have just disputed the Collins accusations I wouldn't be in this position. It would have given me credibility. If Collins was only concerned about their "boat ramp" why did they sue for so many other stupid things? Other things which were never a problem before as evidenced by the fact that we were friends until at least March 20, 2004, when I took Ann Collins to one of my customer's store openings and got her a \$50 gift certificate for the opening. They just threw things out there to see what would stick. Saying I didn't pay Tony Lhotsky what does that have to do with anything and it was a lie? Saying I didn't have permits, when in fact I had the permits and variance filed prior to the Collins lawsuit. The permits were in the white binder on the court room table. I followed all of the Baltimore County guidelines and rules at the time. Drainage was never a problem as evidenced by Baltimore County's files. Mr. Carney however never disputed any of the accusations.

Instead of pulling out the permits or having Baltimore County testify on the permits, variance and drainage. Carney asked me 37 questions about the drainage and sump pump

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and 43 questions about permits and zoning. Jenkins asked me 3 more questions about the sump pump. The inference being that I did something wrong.

Carney: Does Mayor O'Mally's security camera's in Little Italy interfere with my right too privacy?

Page 177: Here you have a woman living alone for all intents. A 70 year old father, very ill and a mentally incompetent neighbor on the other side.

Senez: Here it sounds like Mr. Carney is actually confirming or defending the things I was accused of instead of disputing. I've never had a problem anywhere I ever lived, until 2004-2005 with the Collins. Once I got the peace order against Collins I had fewer problems and when I put in the Vector cameras, I didn't have any more problems. The little Best Buy cameras were up in 2004, the lights in January 2001 before Collins started creating problems. There isn't Maryland law for floodlights and camera's. There were no damages; they were not directed at the Collins, that wouldn't serve the purpose of protecting my house. With regard to the camera's, I had enough to do with renovating my house, dealing with the damages from Hurricane Isabel, taking care of my father and working, I wouldn't waste my spare time watching the Collins.

Page 178: The trespass count and the rest of this matter all boils down to adverse possession and quieting of, title, not about damages.

Plaintiff has the burden of proof by a preponderance of the evidence and counter-claiming plaintiff has the burden of proof by a preponderance of the evidence to prove elements of adverse possession

Senez: These were accusations made against me, I wanted them disputed, they were lies! Carney won these things without evidence from Collins and not using my evidence but that didn't give me any credibility. It didn't show they made up all those things. I'd like to know why Mr. Carney didn't present my information on the adverse possession case: Myers variance, property listings, house appraisal and the realtors. The witnesses I gave him, who both lived here for 30 years or more. Mr. Carney could have contacted Mr. Roy Jones predecessor of Mr. Myers to establish how long the wall was actually there.

Mr. Carney could have made better use of Mr. Myers deposition:

- Page 38 no complaints that the ramp encroached onto 339's property
- Pages 38, 59, 60, 70, 71, 89, 90. Ramp used with permissive use only:
- Page 71, Myers intention was that he was selling the boat ramp with the house.
- Pages 62, 71, 72, 88, Collins didn't use boat ramp;
- Page 72, Mr. Myers didn't remember Mrs. Collins using the boat ramp.

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- Page 55 Mr. Myers not aware of property line that's going through both properties Pages 23, 32, and 38. Wall there 20 years; Adverse Possession is 20 years!
- Page 49 Mr. Cook not involved in any way. Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 55, Mr. Myers said no idea who put wall in. Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 72, Myers didn't discuss with Collins why wall was built! Collins said Mr. Myers said, Myers and Cook put in for a co-owned boat ramp.
- Page 25, 62, 67, 91 Wall for the runoff and erosion. Not for a boat ramp.

The Collins had 176 pages of testimony, I had 66 pages. The Collins where asked to describe 34 exhibits, I was asked to describe 5. I wasn't given a chance in court. Mr. Carney obviously didn't care whether he lost my case or not. He could make more money on Motions and Appeals later! I believe he threw my case on purpose.

One of the most talked about item in my trial transcript was my lights, 13 of my 66 pages talks about lights! Carney asked me 39 questions about lights. Jenkins asked another 7 questions about lights. Carney even says, "lets count them," page 158 of the trial transcript. But I wasn't allowed to point out where they were and why they didn't interfere with the Collins. Carney also didn't show the pictures of the lights on at night at my house. The same lights are here to this day you can check them out. The second was Collins view which has no legal remedy and I'm not responsible for.

In court I was not asked about the same issues the Collins were asked about:

Shared or co-owned boat ramp why this would be acceptable

Settlement negotiations because of survey

If Mr. Myers showed me a survey.

If I ever saw a survey.

About the ladder ramp

About the height of my terrace / retaining wall or elevation

Any property measurements

Backing a boat down to the ramp

Jog in property line wall and terrace / retaining wall

How long the boat house has been there. If you take it down can't put back up

Fence extensions that Mr. Collins called spite fence

About walls being there when Myers purchased the property

About signs on other side of my house

About the Collins not having access to my side because of the property line wall

Citations/ violations

The disputed area

Whether I asked Collins, "why doesn't he move." And if I called him an asshole.

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It seems to me that what was outlined in purpleThat Ms. Senez's fence is inside the lot line.

Senez: I don't understand Carney's logic here?

Page 179: Mr. Myers pretty clear built the bulkhead built the boat ramp, connected the bulk heading to Mr. Cooks property (bulkhead) Page 38 of the transcript was used the entire Period of ownership 20 years.

Page 180: Now the wall fell but the wall was rebuilt. It was there when Mr. Myers bought the property.

Senez: So there was no easement as Thompson suggested! Mr. Carney touches on this but he doesn't make the connection that if the wall was there when Myers bought the property all the talk of a cooperative co-owned boat ramp goes out the window and shows that Collins and Thompson are lying! There was no cooperative effort! The property line wall and jog had nothing to do with the boat ramp. It wasn't an easement!

Carney: The testimony was such that it was rebuilt and footprint, no testimony that it was moved or surveyors came in or anybody did anything other Than Cook rebuilt it.

Senez: The second wall Mr. Cook built had been there since the early 80's. That wall withstood Hurricane Isabel in September 2003. The wall stood until Mr. Collins decided to plug up the weep holes and the wall tumbled down within a relatively short period of time. Probably fell in less than a year.

06/09/06 County inspectors notified Mr. Lanzi, Collins attorney that there were no violations. Lanzi said he would like the property checked when there's a heavy rain.

06/26/06 Baltimore County closed file

06/27/06 Glenn Barry came by and checked the wall after three days of rain. We got 12 inches of rain in three days. He walked the perimeter and said he couldn't see any water problems from 341 to 339. He called Lanzi with the information.

06/27/06 Property line wall fell that night.

06/29/06 I called Baltimore County, Earl Eckert to come over to confirm that the drain holes had been plugged with concrete.

This is all in the Baltimore County files!

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Page 181: Carney: The proof is in the picture. We all agree, that natural runoff can never be the subject of a complaint. So long as you don't artificially change the outside, the water courses, there is no testimony. That was the case at all.

Senez: This doesn't prove to Judge Souder that I didn't direct drainage and runoff to the Collins property. There are no visible damages based on the pictures I provided but she believes that I did it anyway. I didn't change the outside. I didn't move the house. There would be no purpose in doing this. If Mr. Carney had called Baltimore County to testify and used their files over a two and a half year period that would have shown Judge Souder I didn't direct the drainage and runoff towards the Collins.

Carney: Collins have their own pier. They built a lovely home they designed a home. They decided to cut in an entrance to that porch at an angle that looks over her porch, that is what this is all about, their view. In their mind they believe they have a legal right to a view.

Senez: The Collins encapsulated themselves in plants for privacy. They could sit on their porch and watch everyone unnoticed. They could have had a balcony or angled the house different. Ann Collins said the house was skewed to the right for a better view, the house is actually skewed the opposite way, to the left, pages 45 & 46 of her testimony. Another Collins lie!

Page 182: Carney: and shrubs so they can't look over Norman creek. Because of that, that's their choice. Ms. Senez has done nothing more than exercise her rights as a homeowner.

Senez: This isn't a defense to the accusations! Judge Souder believes I did all those things the Collins accused me of.

Page 183: 26 months after the fact of the filing of this lawsuit.

Senez: 9/28/2004 Collins filed a lawsuit; 12/06/06 Collins filed adverse possession for the back of our properties. According to Mr. Carney's deposition he always knew the Collins were going to file for adverse possession because Rob Thompson had either sent him a draft that he was going to file or he told Carney that they were going to file for it, page 229. Mr. Carney never told me about that! Why did Mr. Carney waste all that time to file a Motion to strike the Collins Adverse Possession claim on 12/7/06 if he knew they were going to file?

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Collins had not filed for adverse possession of the property in the back as of 7/19/06, I wrote an email to Mr. Carney and he wrote me back saying that it was in their complaint. I had also emailed Mr. Carney that on 6/7/06 & 6/30/06. I emailed him back on 7/20/06 letting him know there was no adverse possession claim in the complaint. I outlined the complaint and added my remarks. You would think that after six months Mr. Carney would know what was in the Collins complaint!

I don't see where Mr. Carney made any substantive statements in his closing argument. This just confirms to me that Mr. Carney didn't prepare for my case at all!

In Thompson's closing argument he says, which are all lies and not in Mr. Myers deposition:

- Myers testified that he and Cook worked together for the boat ramp,
- The only way to get a boat or trailer down the side of Ms. Senez's house is for the wall to make a jog, like the creosote railroad tie portion that was formerly there also made a jog.
- Cook built the wall; he built the wall as an accommodation to neighbors,
- We have the un-controverted testimony of the Collins who said they used the area of the Myers boat ramp.
- Mr. Myers says he showed Ms. Senez the property line.

Obviously everyone goes into court and says whatever they want!

None of this is true! Mr. Myers deposition disputes all of the above statements Mr. Thompson made. Why didn't Carney address any of this in his closing argument? Carney took Mr. Myers deposition, I paid for it; the least he could have done was use it to dispute the Collins and Thompson's lies.

Thompson says the property had been used by him (Myers) for 20 years, but he never says he was the only one that used it. Why didn't Carney address this, he says he knows more about adverse possession than most lawyers, page 35 of Carney's deposition.

Mr. Myers didn't have to be the only one exclusively to use the boat ramp to meet the elements of adverse possession.

The Court: Well these neighbor disputes are always unfortunate for everybody involved. December 11, I did review Myers deposition. I don't find that either side met their burden of proof with respect to adverse possession.

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Page 184: Count three no sufficient evidence that either the signs or lights or the cameras are such that they would diminish, the value of Collins property. Nor do they interfere with the ordinary comfort and enjoyment of the Collins property. I did not find persuasive their evidence that the lights are directed at them. Like many people I don't like lights that are on from dusk to dawn, even at a 50 percent power, I think, but there is no law against it. I don't think it's a nuisance for neighbors to keep lights on all night long.

Senez: Judge Souder doesn't like lights; that's just great! Most of my trial transcript was spent talking about lights! But I wasn't asked to show where the lights were on my house to show that they didn't interfere with the Collins. 13 of my 66 pages of trial transcript mention lights! Judge Souder says, there is no law against them. However since she doesn't like them she's obviously not going to like people that have them.

- Mr. Carney said in his deposition that I had lights and lit up the Collins yard like Camden yards, pages 187 & 188.
- I had lights all down the northern side of my house, pages 187 & 189. Carney said Thompson or Jenkins told him that.

Mr. Carney said he got this from opposing counsel. Why is he taking information from opposing counsel and not discussing this with me. I gave Mr. Carney night time pictures which showed that was a lie and he never presented them. I could have pointed out on the survey and topography map how far those lights were from the closest corner of the Collins house, 87 feet, but wasn't asked. Mr. Collins was asked to point out things on my exhibits.

There is only one light on the north side of my house, its 87 feet from the Collins house and is a 100 watt maximum bulb coach light. However the most talked about topic in my trial testimony were lights! Carney asked me 39 questions about lights. I thought this was an adverse possession case. Who is Mr. Carney representing? What other agenda does he have?

Page 186: Court: I will grant judgment in favor of the Collins on the issue of quiet title with respect to the 291Feet, the area indicated in blue on Plaintiff's 27, that blue area does appear to be the Collins property and should be theirs. They have title to that property free and clear. I also think what follows in favor of the Collins on the trespass counts, but there is no damage as a result of the trespass.

Senez: Collins would have also trespassed on my property. They only have 18 inches of ramp at my bulkhead. I never knew the property line until 5/9/04 and neither did the Collins until sometime in April or May of 2004. Mr. Myers said he maintained the property up to the wall and built the boat ramp without assistance from Mr. Cook. I maintained the boat ramp, and repaired it. I maintained the property up to the wall.

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Mr. Myers Deposition pages:

13 Myers put ramp there

14 Myers put ramp in himself

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

48 Myers responsible for putting in boat ramp

49 Mr. Cook never objected

55 No idea who constructed original wall, It was there when I got there,

82 No knowledge where the exact line was

83 Myers built the ramp

38 no complaints the ramp encroached onto 339's property

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

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

62, 71, 72, 88. Collins didn't use boat ramp, (as Collins said.)

72, Mr. Myers says, I don't remember Mrs. Collins using the boat ramp."

88 Myers didn't recall Collins ever launching a boat

Court: There was interference of possessory interest to that part of the property to the extent that the fence on that top of the wall blocked them from using it and their part of the boat ramp.

Senez: There isn't and never was a fence on top of the property line wall! The fence never blocked Collins access to the boat ramp. The property line wall Mr. Cook built, blocked access to Myers / Senez side. Mr. Cook built the wall right down to the edge of his bulkhead and it was more than 24 inches high at that point. The fence I had installed was right next to the property line wall and had been there since November 2000, before I settled on the property. Collins said they used the boat ramp all the time up until June 25, 2004. However the fence and gate were there all during that time and they never said it precluded them before June 25, 2004.

The Collins never used my boat ramp they used the ladder ramp they built in 2001-2002, from an old ladder they got from Mr. Myers. 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. 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!

Court: I'm not sure if it is as much as 20 percent, it is certainly no less than 15 percent of the boat ramp clearly belongs to the Cook didn't build it, Myers did on what he thought was his property Collins and they should have use of the boat ramp and access to it.

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Senez: Judge Souder had no right to do this. Judge Souder just said Myers did on what he thought was his property, exactly. He thought it was his property. This ruling isn't even legal!

Court: As a consequence, that fence some part of the fence, has to come down so they can use that part of the boat ramp

Court: They've asked for an injunction enjoining.... to have the Retaining wall taken down. I don't see that the retaining wall is really part of the problem. But—

Thompson, Your Honor I think that's the retaining wall Improvements on Ms. Senez's home, I don't think matter, that matter is properly before the court, actually.

Senez: Thompson's defending me here! Carney should have been all over this, the first one to jump in. Collins had no right to put my retaining wall, on my property in the law suit. Carney never said a word. If Carney wasn't going to defend me, he should have had it taken off the table by filing a Motion for Summary Judgment.

Court: what it says is repair property back to original condition. I don't know that I have a really good picture that shows exactly what that is, maybe Defendants exhibit 9 Shows some of the fence going down towards the boat ramp

Page 188:

Senez: Judge Souder is all confused here. There shouldn't have been any confusion at the end of the trial like this! This is ridiculous!

Thompson: That's the fence on the end of the boat ramp, is that what you're talking about?

Court: Yes.

Thompson: the fence is in the blue area that follows where the retaining wall footprint was, did I understand correctly you were saying it would have to be moved?

Senez: The fence did not block Collins access, the property line wall that Mr. Cook built blocked the access to Myers / Senez side! The concrete block wall went right down to the edge of Mr. Cook's bulkhead and was 24 – 28 inches high at that point.

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Court: yes

Court: part of the Collins shed is on the Senez property

Page 189: she has a right to have the shed moved.

Court: It is on property that is her property. Part of the fence is inside the blue area, that's on Collins property.

Carney: Are you saying, there is a gate at the end of the boat ramp,

Court: Defendants 9 Looks like a fence in the water.

Senez: All of them are confused here!!!!

Page 190: Jenkins: how about we get a copy of your ruling. We can get Together and propose a joint order for you to consider.

Senez: Jenkins knows they're confused.

Court: all right that would be helpful.

Senez: How can a Judge make a decision if she's been lied to, doesn't understand the issues in the case and doesn't understand the elements of adverse possession?

Court: If necessary we can have another hearing to make it clear. I'm not sure that I have a picture that shows – Defendants 12 shows part of that fence that is coming down. That top of the boat ramp down to the bottom of the picture.

Page 191: Court : Right I guess you are saying that is the -the gate?

Senez: The court is still confused!

Page 192: Court: Unless the parties reach an agreement, both parties have A right to use the boat ramp just as they have done.

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Senez: Judge Souder made this ruling because she believed that the boat ramp was a cooperative effort between Mr. Myers and Mr. Cook. This was all a lie fabricated by the Collin. Carney didn't dispute any of it! Judge Souder believed the Collins freely used the boat ramp, which they never did, not even on Mr. Myers watch. Why should I agree to something that I should own by Adverse Possession? They are lying.

Mr. Myers deposition pages:

62, 71, 72, Collins didn't use boat ramp;

88 Myers didn't recall Collins ever launching a boat

72 Mrs. Collins used the boat ramp. "I don't remember Mrs. Collins using the boat ramp."

38, 59, 60, 70, 71, 89 and 90, Mr. Myers said the boat ramp was used permissive use only.

This is a totally illegal ruling based on lies and not law.

Carney - So for the purposes of clarity, we need to draft the judgment. The continuing trespass accounts. Judgment for the plaintiffs, however no damages?

Page 193: Carney - Will the not merge?

Court: At least in criminal law they would.

Jenkins: you did say hold a judgment of acquittal

Carney: twice.

Senez: I don't know what's happening here.

Court: then after I rendered judgment it is the same as having been denied, by operation of law.

Senez: Still arguing over fences.

Page 194: Court: Right, both parties will have access to the boat ramp, not going to chop the boat ramp half off at this point.

Senez: I don't believe the judge had a right to do this. If it were a driveway it wouldn't have been decided this way. Judge Souder did this because she thinks I'm the one that did the things I was accused of. The Collinses were lying about all those things. With Mr. Myers deposition and the survey sitting right in front of them Collins continued to lie and Mr. Carney did nothing! They are the ones that committed perjury. They would have said

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or done anything to win. Including making up the story that I asked if my fence could follow the wall instead of the property line which wasn't in the complaint, answers to the counterclaim, interrogatories or Mr. Myers deposition.

This would have been the dumbest question I could have asked.

- 1- If Collins came back and said "no," I would have to take the fence down, after I just put it up.
- 2- Collins would have full access to my entire yard and boat ramp, once they crossed the fence line. I didn't even know the Collins at the time.
- 3- I've had Labrador Retrievers for the last 30 years. I had two Labrador Retrievers at the time. I couldn't have people coming into my yard, wandering around whenever they felt like it. The Collinses, their family, grandchildren, friends and pets coming over at all times of the day and night.
- 4- The Collins free access would be a huge liability issue. If I had known about the property line that would have been a deal breaker on buying the house. And I'm sure it would be for others as well.

In Addition:

- 5- Collins never said anything to Mr. Myers about the fence being on their property. This is evidenced by the fact that it wasn't in their complaint, answer to counterclaim interrogatories or Mr. Myers deposition. They both testified they were friendly.
- 6- Mr. Myers never said anything to me, he was still living there. He recommended the contractor.
- 7- Mr. Covahey and Ms. Judy Ensor, now Judge Ensor never knew about the "question." It's not in any documentation.
- 8- Mr. Carney never told me about the supposed question and what it would mean to my case. If he knew it was that devastating why did we go to court?
- 9- Why did the Collins make up so many other accusations if they knew the property line and I asked permission? Why didn't they say it earlier?

Page 195: Court: Pedestrian access only to the boat ramp.

Senez: As we left the court house Mr. Carney told me that's why people don't like to go to court because you never know the outcome. I told Mr. Carney that the Collins now have a patio in my front yard!

I should have definitely had a better outcome. I met all the elements of adverse possession! I lost on credibility! I wasn't the one lying and I can and could have proved everything they said was a lie!

Mr. Carney in other documents said I acted out in court, which is a lie. If I didn't act out at the moment Judge Souder gave this ridiculous ruling, nothing could shake me in a court room. I was also seated between Mr. Carney and Mr. Quinn. So Carney knows he's lying.