

Judge Stringer Hearing 2/16/12 - Rebuttal

Rev. 8/12/14

Page 3: Carney said Mr. Bergen referred Ms. Senez to him. He had done work for her, I believe, in a previous matter involving an E & O claim, she's an insurance agent or was at the time and he knew her and asked if I would consider getting involved.

Senez: This is a lie, Mr. Carney made this up. It doesn't come anywhere close to the truth of how I know Mr. Bergen. This was said to put me in a negative light. I was an insurance agent then and I still am. Mr. Carney knows that.

Page 4: Mrs. Lippincott states Mr. Carney got a very good result for Ms Senez. He won pretty much every one of the claims.

Senez: The only issue of any importance was the Adverse Possession which Mr. Carney lost. None of those claims / accusations were valid and I had given Mr. Carney documents and witnesses to support that everyone of those claims were bogus. Despite Mr. Carney saying they were bogus, I still went ahead and put the information together because I didn't want these lies spread. See our email exchange of 5/1/06, 5/12/06, 5/9/06, 7/19/06 and 8/31/06.

Page 4: Mrs. Lippincott states Mr. Carney on behalf of Ms. Senez filed a counter-claim for adverse possession.

Senez: Mr. Carney did not file the counter claim for adverse possession.

Page 7: Mrs. Lippincott states that she knows that no additional evidence was taken and the, there was an opportunity for argument before Judge Souder, before she issued her decision.

Senez: Not true Judge Souder made up her mind before the hearing. Obviously Ms. Lippincott hasn't read the remanded hearing transcript. The ruling was already written before Judge Souder walked into the room.

However Judge Souder apparently didn't know in the Circuit Court trial or in the remanded hearing that I had the fence put up before I settled on the property. Page 9, 10 & 11 of the remanded hearing transcript Judge Souder over and over says she doesn't know that's a fact on the record.

Circuit Court Trial Transcript pages:

18 & 36 Ann Collins states the fence was there before I moved in.

65 & 66 Steve Collins page states the fence was up before she settled.

99, 100 & 148 Senez – I stated that I had the fence built before I settled on the property.

The Court of Special Appeals Opinion said it on page 12. And Mr. Covahey had it on page 2 of the remanded hearing brief.

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Page 8: Mr. Carney states, I wasn't there because I didn't represent Ms. Senez but I, I'm told by the lawyers who were, Nip Jenkins and Rob Thompson, who represented the Collins that, I'm told that they filed something like an eighty-five page memorandum of law.

Senez: This is a lie! Thompson prepared a 12 page memorandum, that's all!

Page 9: Mr. Carney states, I believe Ms. Senez and her counsel filed an extensive memorandum as well.

Senez: Jenkins and Thompson file a memorandum of law but mine is only a memorandum.

Page 9: Mr. Carney states that the court chose to believe the version of events as testified to by Mrs. Collins. It was a matter of credibility.

Senez: That's because Mr. Carney didn't present the evidence I gave him, disputing all of the Collins bogus allegations. He didn't point out that the Collins statement of a co-operative effort for a boat ramp and the jog in the wall was a lie since the wall was there when Mr. Myers bought the property and later Mr. Myers put in the terrace wall. That was the elephant in the room! Mr. Carney didn't provide evidence that the Collins accusations of drainage, light pollution and loss of view, were all a lie. Every measurement and height given by the Collins was inaccurate, all in their favor. I didn't make the terrace / retaining wall on my property higher, there wasn't any reason to!

Page 10: Mr. Dowell said that basically Judge Souder didn't want to hear testimony and she said she believed Mrs. Collins and that was the end of the hearing.

Senez: This is true! Just read the transcript from the hearing. You can also review my rebuttal of Judge Souder's remanded hearing.

Page 11: Mrs. Lippincott states the element of hostility was based on her determination as to the credibility of the witnesses.

Senez: That's because Mr. Carney didn't present any evidence to show that the claims against me were bogus. Baltimore County can verify I didn't create a drainage problem on the Collinses property. I didn't aim lights and cameras at the Collinses that would be useless. Why would I waste my time watching two elderly retired people? Mrs. Lippincott really needs to review all the facts before making accusations. All of the information was in our email exchange, the white binder and the PowerPoint. Documents and witnesses would verify that the Collinses lied about everything. The twelve signed affidavits that I have verify the Collinses lied about the co-owned boat ramp and property.

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Page 11: Mrs. Lippincott states she lost the adverse possession claim simply because the court made a determination as to the credibility of two witnesses.

Senez: That's because Mr. Carney didn't present any evidence to show that the claims against me were bogus, see responses above.

Page 12: Mrs. Lippincott says, Mrs. Collins was simply the more credible witness.

Senez: See responses above. This isn't a matter of he said, she said. Everything is documented in Mr. Carney and my email exchange. I can only assume that Mrs. Lippincott hasn't reviewed or wasn't given the information from Mr. Carney. It will all be on the website.

Page 13: Mrs. Lippincott says we actually don't know, discovery is not closed in this case and we don't know what the realtors would say about that

Senez: Mrs. Lippincott is ridiculous! If I gave Mr. Carney the realtor's names I probably knew what they were going to say! This was a key point in the case; Mr. Carney should have contacted them to hear what they would say! I told Mr. Carney the day he took Mr. Myers deposition during a break, (he should have clarified in the deposition) then I emailed him on 10/30/06 and 12/04/06. I never saw a survey and the two realtors and HSA Realty Company can verify that they don't have and never had a survey in their files. Mr. Myers never gave them one either. Mr. Carney should of contacted George Cookses children or had me contact them for him after he heard Mr. Myers deposition to verify what Mr. Myers was saying

Page 14: Mrs. Lippincott said that Mr. Carney properly argued it before the court.

Senez: Mr. Carney did not argue adverse possession law in court. He didn't site one adverse possession case in court. He could have used, Tamburo, 203 Md. 329. The Court Of Appeals followed in that case 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 were a number of Adverse Possession cases cited in the Court of Special Appeals Opinion, several very similar and none of them new. Obviously Mrs. Lippincott didn't read the trial transcript. The trial transcript reads like a bad comedy.

One the most talked about item in my trial transcript was my lights. I was asked 46 questions about lights by Mr. Carney and Mr. Jenkins. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins. The second was Collins view which has no legal remedy.

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

- If Mr. Myers showed me a survey. Mr. Carney never asked me!
- Shared or co-owned boat ramp why this would be totally acceptable and I wouldn't have purchased the property.
- Settlement negotiations because of Mr. Myers survey. There were none.
- About the ladder ramp, Collins built in 2001.
- About the height of my terrace / retaining wall or elevation
- Any property measurements
- Backing a boat down to the ramp, the jog in the property line wall doesn't make a difference.
- About walls being there when Myers purchased the property
- Jog in property line wall and terrace / retaining wall. Not for a boat ramp.
- Terrace/ retaining wall put in after Mr. Myers purchased the house.
- 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 signs on other side of my house
- About the Collins not having access to my side because of the property line wall, which goes right down to Collinses bulkhead not the fence.
- Citations/ violations
- The disputed area
- Didn't ask why I thought the wall was Collins?
- Didn't ask how long the boat house was there?
- Didn't ask if I repaired boat house
- Didn't ask if boat house was an asset
- Didn't ask about coast guard requirement for light on boat house?
- Carney never asks Collins or me why I supposedly didn't allow the Collins on the ramp anymore!
- Carney never asked me about the caution tape. The implication was that I did it to harass the Collins
- Never asked me about what I thought of Collins exhibits before or during court.
- Never asked me about regarding my property
- Never asked me about why the fence was started in the front first

Page 14: Ms. Lippincott said she lost her adverse possession claim because Judge Souder made a credibility determination between the two witnesses.

Senez: See responses given to pages 9, 11 & 14 above.

Page 14: Ms. Lippincott says, Ms. Senez claims that Mr. Carney didn't know that Mrs. Collins was going to testify that Ms. Senez asked her permission.

Senez: There is nothing in the complaint, interrogatories, answers to counterclaim or Mr. Myers deposition that supports Mr. Carney on that statement. My prior counsel didn't

know that and Mr. Carney didn't know. If Mr. Carney did know, he should have shared that information with me prior to court. Mr. Carney should have told me what that would mean. I would have told him that would be the dumbest question I could have ever asked. Court was the first time I heard that I asked permission. If that was the case why did Mr. Carney take my case and why did we go to court? How did Mr. Carney know that, his deposition says from opposing counsel? Who is Mr. Carney defending here? Mr. Carney says he knew from the Collinses interrogatory answers # 4, 8, 22 & 23. Those answers have nothing to do with the property line wall.

This would have been the dumbest question I could have asked. In addition that question wasn't in Collins Complaint, Interrogatories or Mr. Myers deposition.

- 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 Collins, their family, grandchildren, friends and pets coming over at all times of the day and night.
- 4- Collinses 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, interrogatories or Mr. Myers deposition.
- 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 discussed with me or told me about the supposed question and what it would mean to my case.
- 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?

The Interrogatories that Mr. Carney and Mrs. Lippincott have given the court are deliberate attempts to defraud the Court! Mrs. Lippincott should review what her client says and gives her before presenting. Those interrogatories refer to the terrace / retaining wall on my property.

Page 14-15: Ms. Lippincott says it was disclosed in written discovery responses, he knew it through communications with opposing counsel.

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Senez: This is a lie! That statement is not in the original complaint, interrogatories, answer to the counterclaim or any email exchange. It's not in Mr. Myers deposition which was on 10/25/06 and he owned the property at the time, The Collins could have said something to Mr. Myers, they both state they had a friendly relationship and it would have been easy to tell him since he would be moving.

I don't know of any other written discovery. Why is Mr. Carney taking information from the opposing counsel and not discussing it with me? Who is he representing? Is there another motive? Obviously Mrs. Lippincott hasn't thoroughly reviewed the information.

Page 15: Judge Stringer says I think you only attached, like I said, answers twenty-two and twenty three, and cut off the question. Ms. Lippincott says those were the answers that we thought that would be most helpful to the court.

Senez: What a lie! Neither one of the Collinses responses to those questions or any other responses in the interrogatories have anything to do with the property line wall and that question. There is nothing in the interrogatories mentioning that I asked for permission to put the fence along the wall. Why would I ask permission when I believed just as Mr. Myers believed that our property went to the wall? There are two walls and if you read the interrogatories, the Collinses are referring to the terrace / retaining wall on my property. Look at the trial exhibits!

Page 16: Mrs. Lippincott says the alleged conversation between Ms. Senez and, Ms. Collins was provided in discovery and was known to Mr. Collins.

Senez: This is a lie! There is nothing in any document that supports this statement. Who was it supposedly provided to and when? The only discovery was the interrogatories and there is nothing in there that says I asked them if my fence could follow the property line wall. Or anything that comes remotely close to that question. This was something that Ann and Steve Collins made up as they became more familiar with adverse possession. I guess Mr. Collins would know they were going to say that. Mrs. Lippincott needs to read the interrogatories a little more closely and not rely on what her client, Mr. Carney tells her.

Page 16: Ms. Lippincott says that information was provided during the course of discovery and was known.

Senez: Not true! To my knowledge there's nothing in any document supporting that statement. Mr. Carney never discussed anything with me regarding that question.

Page 17: Mrs. Lippincott says that retaining wall is not on Ms. Senez's property.

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Senez: This is true but that wall supported my property, which was much higher than the Collins, 3 feet higher, and I was claiming the property to the wall by adverse possession. My property was starting to erode after the wall fell. Mr. Carney knew all of this. It's in our email exchange of 6/29/06, 7/07/06, 8/30/06 & 8/31/06 and his letter to Mr. Thompson on 8/30/06. We also had a conversation about this on 7/21/06. Mr. Carney certainly billed me for the emails, letter and phone call. Mr. Carney leaves this part out and it's again misrepresenting the facts.

I had to file a separate lawsuit against the Collins for the damage to my property. The suit was filed in 6/26/09 in District Court, on 12/18/09 a Motion to stay was filed awaiting the Court of Special Appeals Rulings, on 8/21/12 it was reopened in Circuit Court, trial was scheduled for 1/3/14 and the suit was closed on 1/24/14 because the Collins corrected the problem on 11/22/13.

The interesting part is that the Collins removed the fallen wall and slopped their property up to the height of my property 30 + inches and planted regular grass. The old wall had 10 weep holes and a whole 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. Now they would get all the runoff from property if there was any. This once again proves there never was a drainage problem!

Page 22: Mr. Dowell says the Court of Special Appeals has already said once that this is a potentially meritorious case. Judge Stringer says, based on what you just told me, I would not consider that a binding decision on me.

Senez: But Judge Stringer said the error the Court of Special Appeals made is binding.

Page 28: Mr. Dowel says, the court of special appeals is incorrect on that.

Senez: Yes the court of special appeals was wrong. The south wall is the opposite side of my property between 341 and 343. That's the wall Mr. Myers was talking about. Mr. Myers tries to correct Mr. Carney several different times during the deposition but seems to eventually just give up.

Page 29: Judge Stringer, Mr. Myers said his primary interest was the correct placement of the fence on the southern side of the property. He placed the survey materials shown to prospective buyers of his property. And the Court got back to this evidence later. We decided to sell, this is a few pages later, the Court said when he decided to sell 341, Myers commissioned a survey of the property. The survey shows the property line and area in dispute. Myers included the survey with the documents he provided to all prospective buyers, including Appellant.

Senez: Mr. Carney used the wrong address in the deposition several times. Mr. Myers does not say that. Mr. Myers does not say he included the survey to Senez. Mr. Carney never

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asked me the question in court. The house wasn't on the market when I had the realtor approach Mr. Myers. In fact on 10/3/08 the Court of Special Appeals Opinion says, page 17; "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

This fits right in with Mr. Myers zoning variance of 2/10/1984, when Mr. Myers was building the garage. Mr. Myers filed for a side yard setback of one foot instead of the 2 ½ feet and an average height of 19 feet instead of the required 15 feet. The variance also states subject property is bordered on each side by a retaining wall necessitated by existing slopes. The variance was discussed in Mr. Myers deposition. Mr. Carney was given a copy of the variance on 10/30/06 by email and it was also in the white binder. Mr. Myers variance was granted.

Page 30: Judge Stringer says, contrary to the testimony of appellant, Myers said that he showed a copy of the survey to the appellant when he was selling 341 to her.

Senez: Not true! Mr. Myers does not say that in his deposition. In fact the court of appeals says, page 17; "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

I explained to Mr. Carney the day of the deposition during a break and again on 10/30/06 and 12/4/06 that the house wasn't on the market when I had the realtor approach Mr. Myers. I never saw a survey and had witnesses to verify I never saw a survey. I never knew the wall wasn't the property line.

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)

I never saw a survey!

Page 31: Judge Stinger says that evidence is contrary to the evidence that's in the record according to the court of special appeals.

Senez: Judge Stringer finds that Mr. Dowell says the court of special appeals erred on the survey unconscionable however Judge Stringer erred in that it's not contrary if you take

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into account the entire deposition. Mr. Myers tries to correct Mr. Carney several times. Mr. Myers was talking about the south side of the property. I guess Mr. Carney didn't do a very good job during the deposition if there is this much confusion.

Correct, the court of special appeals was wrong. The south wall is the opposite side of my property between 341 and 343. That's the wall Mr. Myers was talking about.

Myers Deposition pages:

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

29, 47, 32 Maintained the area the whole time

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

49 Mr. Cook never objected

61 Mr. Cook never said to stop using.

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.

Page 32 Judge Stringer: Well, again, just to quote what you just said, you contend that Mrs. Senez could not have known that the boundary line was not on, the wall was not on the boundary line, is contrary to the evidence that I just read you and that's in the record.

Senez: I don't know what Judge Stringer is reading from but there is nothing in any of the documents that say I knew the boundary line. I didn't know the boundary line was anything different than the wall. My side of the wall extends well beyond the Collins side in the back of our properties. If he's reading from Mr. Myers deposition then see my response on page 30 with regards to Mr. Myers deposition pages 32 and 33. Or read my answer above on page 30.

Page 33: Judge Stringer says he is bound by a statement he says is in the court of special appeals ruling. (Re: 10/3/08 COSA Opinion Senez v Collins #02344 Reported Appeal ruling No. 111 September 2007 Filed October 3, 2008)

Senez: Clearly that statement is not in there. Yet Judge Stringer is "not" bound by the court of special appeal opinion that I have a potentially meritorious case.

Mr. Myers does not say that in his deposition. In fact the court of appeals says, page 17; "Mr. Myers deposition does not contain a specific assertion that he showed the survey to appellant in particular."

The house wasn't on the market when I had the realtor approach Mr. Myers and that's why it would have been important for Mr. Carney to have taken the testimony of the two realtors. That survey or information was not in any sales information. The only sales information was the original house listing that was given to me by the realtor when the

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house “was” on the market. The HSA Realty Company does not have and never had a survey.

11/14/11 In the first Summary Judgment Mr. Carney filed, Judge Fader, denied Mr. Carney’s Motion for Summary Judgment. Judge Fader stated: “This court is not convinced that the underlying allegations back and forth fall entirely into the category of trial tactics as argued by the Movant. Respectfully the memoranda filed are not sufficiently oriented so as to allow me to have a satisfactory understanding of all that is being argued.”

Page33 -34: Mr. Carney says that Judy Ensor said, Brad, this is in settlement posture, this case is going to go away, there’s a four page letter out, Nip Jenkins is going to settle, don’t worry about it.

Senez: The case was not in settlement posture. I don’t believe Mr. Carney ever spoke to Judy Ensor now Judge Ensor about my case. I have no knowledge of them speaking, Mr. Carney never told me they spoke and there’s nothing in now, Judge Judy Ensor’s billings or Mr. Carney’s billings indicating they ever spoke or communicated with one another. I have no knowledge of a four page letter. Nor is any of this in Mr. Covahey’s billings. The Collins never offered a settlement agreement.

In Judge Bollinger’s hearing on 5/13/09 Mr. Carney and Mr. McDonough said the case was scheduled for trial and Mr. Carney had to run around and get it postponed. If either of these situations were true I would have stayed with Whiteford, Taylor & Preston when Judy Ensor was made Judge. They do have other attorneys there! Also Mr. Carney sent me an agreement on 1/13/06 he didn’t however enter his appearance until 7/13/06 so how did he get the trial postponed?

Carney’s deposition pages:

13 I was advised by prior council that the case was in a settlement posture

17 He Got in not to terribly long before trial started!

22 of this deposition he says it was in settlement posture.

22 It was my understanding that this case was in the settlement posture. It really was not going to go forward from a litigation perspective

23 Took my case on the condition he could get it postponed.

23 So he got it postponed

105 It was represented to me by prior counsel that this case was going to settle so I was looking at the case from a settlement perspective initially

Really which one is it? Mr. Carney’s just trying to decide which one will benefit him the most!

Even if this was the case and Mr. Carney had to get a trial date postponed in a couple days of taking on a new case, does that mean Mr. Carney and the attorneys of Royston, Mueller, McLean & Reid, LLP, are so delicate that they can no longer function at a trial rescheduled for a year later?

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Page 34: Mr. Carney says the written discovery was done by Judy Ensor.

Senez: Not true! It was done by Bruce Covahey. Mr. Carney knew that because he derogatorily stated in Bollinger's court room he was the third attorney. Mr. Carney also knew Mr. Covahey handled the appeal.

Page 35: Mr. Carney says again that the discovery had been done, in fact by Judge Ensor.

Senez: Not true, discovery was not done by Judy Ensor.

Page 35: Judge Stringer says, well that's important, I think I will accept that as your, statement by you as an officer of the court.

Senez: Judge Stringer just accepted Mr. Carney's lie and misinformation as fact. What does, "officer of the court" mean in this context?

Page 36: Mr. Carney now has his pleadings and says, the underlying case was filed by Bruce Covahey. He doesn't know what happened to that representation, why they, they stopped representing Ms. Senez but they did and there came a point in time when she was then represented by now Judge Ensor. They filed a joint motion in June, in July 2006 for the express and sole purpose of being able to take the deposition of Mr. Myers.

Senez: Mr. Carney stated this way to put me in a negative light. Bruce Covahey did not stop representing me as evidenced by the fact that Bruce Covahey took my case back when Mr. Carney left me hanging and I needed to file an appeal. I wanted to combine the zoning issue the Collinses kept raising and the law suit with one attorney or firm. Mr. Gontrum, of Whiteford, Taylor and Preston had been handling the zoning issues. Mr. Carney knew that. Mr. Carney knew Bruce Covahey represented me on appeal.

I signed an agreement with Mr. Carney dated 1/13/06 with a \$2,500 retainer. Mr. Carney started billing me on 1/12/06. Mr. Carney had a letter hand delivered to the Circuit Court, dated 5/25/06, (5 months later) in which he requested a trial date be assigned after a conference call. A trial date was scheduled for 7/19/06. Mr. Carney then had it postponed on 7/13/06. Carney didn't even file his entry of appearance in my case until 7/13/06. Just check the court records. Of course Mr. Carney billed me for all of this.

Page 37: Mr. Carney says he entered his appearance in June 2006.

Senez: Why didn't Mr. Carney enter his appearance in January when he took my case? He said there was a court date scheduled when he took my case; this just proves he's a liar. He didn't enter his appearance with the court until 7/13/06. This was after he wrote the

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court on 5/25/06 requesting a court date. I called Mr. Carney on 7/11/06 at 6:00 pm to ask if he received the PowerPoint. I called his office to see if he got the PowerPoint and he proceeded to tell me that the trial for 7/19/06 was being postponed. This was the first time I heard that we had a trial date of 7/19/06! That's seven days before the trial! And of course we didn't have Mr. Myers deposition.

Page 37: Mr. Carney says he doesn't know if Nip Jenkins propounded any Interrogatories to us or not. They're not in the file but I knew that Myers deposition had to be taken. There's no question about that.

Senez: I thought the interrogatories were how Mr. Carney knew Ann Collins was going to say that I asked if my fence could follow the wall instead of the property line. Wouldn't the Collinses have put that question in their interrogatories propounded to me?

Shouldn't Mr. Carney be fully aware of interrogatories propounded to me and what my answers were? Isn't that all part of the discovery process? I knew Mr. Myers deposition had to be taken as well. I was the one that tracked Mr. Myers down in South Carolina in early February 2005. I begged Mr. Carney for nine months to take Mr. Myers deposition and can count 20 requests.

I had Mr. Bergen call Mr. Myers on 4/11/06. Judge Judy Ensor talked to Mr. Myers on 6/1/05. Bruce Covahey talked to Mr. Myers on 3/2/05. The story from all three was exactly the same Mr. Myers said it was not a co-owned boat ramp! So if that was the case why would I have asked that "stupid question" Ann said I asked.

Now, after Mr. Carney's deposition I don't even think Mr. Carney knew why I wanted that deposition. I wanted it because the Collins kept saying the wall was a cooperative effort between the Cooks and Myers for a co owned boat ramp which was not true. There's also an email from Mr. Carney to Mr. Bergen stating that he didn't think he needed to take Myers deposition. In addition Mr. Myers was in his late 70's or early 80's and I didn't want to wait too long.

Page 37: Judge Stringer is putting the answers to the interrogatories from Ann Collins propounded by Ms. Senez in the file.

Senez: Those answers have nothing to do with the question I was supposed to have asked Ann Collins. Those answers are in reference to the retaining / terrace wall on my property. Mr. Carney and Mrs. Lippincott have intentionally misled this Court and Judge Stringer, for their own benefit.

Page 39 Mr. Dowell I'm going to read from, try to make sense of this,
Page 9, line 2-7 Myers said he had property surveyed in 2000
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

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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.

Mr. Dowell says there's only one fence between these properties, that's on the southern side, that's why he got the survey done.

Senez: There were walls on both sides of the property when Mr. Myers purchased the property and they were there when Mr. Myers sold me the property. Mr. Myers only concern, that he talks about, is the fence he built on the southern side. 339 is the northern side, 343 is on the southern side. These were Mr. Carney's screw ups. This all fits in with the garage zoning variance Mr. Myers had filed for on the garage. It was approved on February 10, 1984, which was one foot off the property line.

Page 45: Ms. Lippincott says Ms. Senez lost on her adverse possession claim because she couldn't establish hostility and she couldn't establish because the Court had to make a credibility determination between two witnesses.

Senez: Mr. Carney didn't present any evidence of all the bogus accusations the Collins where making, so I basically had no credibility. Ms. Collins is also a good liar! See my responses to pages 9, 11& 14. The Collins had 176 pages of trial transcript and were asked to describe 34 exhibits. I had 66 pages of trial transcript and was asked to describe 5 exhibits. In addition to the Collins own exhibits each one of them were asked to review and describe more of my (defendants') exhibits than I was. 13 of my 66 pages was spent talking about lights. I was asked 46 questions by Mr. Carney and Mr. Jenkins about lights! I have one 100 watt maximum bulb coach light fixture on the north side of my house, the Collins side. I gave Mr. Carney night time pictures; the lights across the river from the Collins illuminate the river more than my boat house light which is 210 feet from the closest corner of the Collins house. The boat house light is a Coast Guard Requirement and has a wall on the north side which also blocks the light from Collins.

Mr. Carney presented 16 exhibits on my behalf. Eleven of the pictures came from the PowerPoint. There were 4 picture enlargements including GIS maps (which I did) and the peace order. However he only used 10 of the 16 exhibits on me. The Collins entered 29! Ann Collins used 22 exhibits in her testimony and Steve Collins used 28 exhibits in his testimony, including some of mine. The statement that lost the hostility claim never happened the way Ann Collins said it had! The Collins lied about everything. I gave Mr. Carney the information to prove it, how dare the two of them say I have no credibility! It

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was all in the email exchanges, letters and PowerPoint. The twelve signed affidavits that I now have prove that the Collins were lying. Those affidavits should have been obtained for the trial.

Do you think that the Collins could make up the co-owned boat ramp story which directly conflicts with Mr. Myers testimony but they wouldn't make up a story that I asked if the fence could follow the wall? The nine signed affidavits that I have are by people with personal knowledge of the property and further prove the Collins are liars. The wall was there in the early mid 70's. That's 25 years before I bought the property.

Page 45: Ms. Lippincott says Judge Souder found Mrs. Collins more credible.

Senez: See my responses to pages 9, 11, 14 & 45 above.

Page 45: Ms. Lippincott says I don't see any other evidence about her understanding as to where her property line was would have affected the outcome in this case.

Senez: How about the fact that the wall and jog had been there prior to Mr. Myers and therefore couldn't possibly be a cooperative effort between Cook and Myers for a co owned boat ramp as stated in the interrogatories and in trial. We could have tacked onto Mr. Myers predecessor, Mr. Roy Jones. We could have proven the wall was there 25 years prior to me. I had given Mr. Carney information on three neighbors who could testify how long the wall was there. We could have obtained information from other neighbors.

Mr. Carney could have cited Tamburo which I outlined in my answer on page 14. There were plenty of other cases outlined in the Court of Special Appeals Opinion that Mr. Carney could have used. I'm sure there are also other cases. None of these cases are new. Mr. Carney didn't cite one case during the trial.

Mr. Myers house wasn't on the market when I approached the realtor. The two realtors didn't have surveys or an indication that the property line was other than the wall. HSA Realty Company doesn't have and never had a survey for my property.

Mr. Carney didn't dispute anything the Collins said about lights, drainage, terrace wall height, measurements, etc., so of course I had no credibility. The transcript reads like a bad comedy.

Page 46: Ms. Lippincott says, she did testify that she understood that her property line went to the wall and the Court, even having that information; still found that Ms. Collins was more credible.

Senez: See my above answers. See my responses to pages 9, 11, 14 & 45.

Page 46: Ms. Lippincott says, so made that conclusion as to the credibility of the witnesses.

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Senez: Mr. Carney didn't present evidence showing the Collins had made up all those accusations. See all of my above responses.

Page 46-47: Ms. Lippincott says Judge Souder had information regarding the behavior of Ms. Senez throughout the course of this dispute with her neighbors. A big sign made from a sheet.

Senez: My behavior! Mr. Carney and Mrs. Lippincott are lying and giving the court fraudulent information and Mrs. Lippincott wants to talk about my behavior! This hearing decision was based on fraudulent information given to Judge Stringer.

Mrs. Lippincott has the time frame a little mixed up! I got a peace order against the Collins on 6/26/04 because they were vandalizing my property, read the peace order. The Collins filed suit 9/28/04. I didn't put up signs or do anything for over a year. The one, "No Trespassing" sign that was up, was taken down after the peace order.

The sign was not made from a bed sheet it was a banner sign made by a specialty company. The nosey neighbor sign was put up 10/20/05 and the Mick Jagger tongue was put up 11/02/05, hoping the Collins would leave me alone. It's all in our email exchange. Mr. Collins would hide behind his garage and stare at me, my father, friends, workers, people in general as they stopped over. Mr. Collins would call people over to the fence line and talk to them in some kind of gibberish. Mr. Carney never presented any information as to why I resorted to signs. They were not mentioned in the complaint or interrogatories.

I was also tired of the Collins watering my cars in the summer which leaves water marks on hot days that have to be buffed out and their ornamental grass hanging all over my cars which dripped a film on the cars which again had to be buffed out. The Collins would send their dog out when I was outside with my dogs, telling their dog to "get em." The Collins constantly stalked and harassed me and my family in my own yard. Mr. Carney was aware of all of this but he never brought it up in court. I was tired of their incessant picture taking. None of this stopped Mr. Carney from sending me an agreement of representation on 1/13/06, the very first day he met me and saying he enjoyed meeting me.

Mr. Carney's emails to me of 5/1/06, 5/9/06, 5/12/06, 7/19/06 and 8/31/06 and our other emails are evidence that Mr. Carney and Mrs. Lippincott are now twisting this all around to benefit themselves.

Page 47: Ms. Lippincott, this was all the things that Judge Souder had before her when she was making a determination as to the credibility of the witnesses.

Senez: That's right and that's why those things should have been dismissed on Summary Judgment. None were tortious! They were all bogus accusations. Signs aren't illegal. However, Mr. Carney never said anything about; when the ladder ramp was made, cameras, higher retaining wall, loss of view, drainage, permits, citations, re-grading all being lies. 13 of my 66 pages in court were talking about lights, 46 questions on lights. I only have one light on the northern side of my house, the Collins side. I wasn't asked to

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point out on the survey where the lights were to show they didn't interfere with the Collins. I gave him nighttime pictures and he never presented them. If he thought my house was lit up like Camden Yards he should have checked it out. Same lights here to this day. No, Mr. Carney wanted to count all the lights in court! See other responses above.

Page 184: Circuit Court trial transcript Judge Souder: 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.

I'm sure Judge Souder doesn't like people that have lights on at night either!

Page 51: Ms. Lippincott says that to try to guess what would have changed Judge Souder's credibility determination in this case and the case simply came down to credibility, is nothing more than speculative.

Senez: I've addressed all of this in my responses above. I was never given a chance in es. My part of the trial transcript is 66 pages. The Collins had 176 pages. The Collinses were asked to describe 34 on 44 pages of the transcript. I was asked to describe 5 exhibits on 3 pages of the transcript. In addition to the Collins own exhibits each one of them were asked to review and describe more of my (defendants') exhibits than I was. I did everything possible to win my case, I just needed Mr. Carney to show up and present the information. Little did I know his plan was to just show up!

One of the most talked about item in my trial transcript was my lights. But I wasn't asked to point out where the lights were and why they didn't interfere with the Collins. And gee Judge Souder doesn't like lights on at night! The second was Collins view which has no legal remedy in Maryland.

See my response to page 16 of the hearing above.

Judge Souder had no reason to believe I didn't do all the things the Collins accused me of because no evidence was presented and nothing was disputed.

Page 52: Ms. Lippincott says, there's nothing out there that Mr. Carney could have done differently to change the, the view of Judge Souder as to who was more credible.

Senez: Mr. Carney could have presented the evidence that I gave him, documents and witnesses! Mr. Carney could have pointed out Collins statements and the statements of opposing counsel during trial about the property wall and the jog being a cooperative effort for a co-owned boat ramp were all a lie. Mr. Carney could have pointed out that the lights, drainage, terrace wall height, permits, citations were all bogus accusations because the Collins wanted me to take down the boathouse. They wanted a better water view; they

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wanted a view across my front yard. These were all exacerbated accusations, vexatious litigation to scare me or get me to cave in. Mr. Gontrum of Whiteford, Taylor and Preston expressed that in an email. Mr. Carney knew that.

Page 58: Judge Stringer says could have been argued at the hearing on remand.

Senez: Judge Souder didn't want to hear anything at the remand hearing. Read the remanded hearing transcript, her mind was made up when she walked in the court room, even though she was still obviously confused about the facts. Judge Souder was confused about the length of time the wall was there and that I had the fence put up before I purchased the property and confused on the fact Mr. Myers never gave me a survey.

Judge Souder had already been told twice before the remanded hearing on 11/18/09, that she made mistakes on her easement ruling and hostility ruling. Judge Souder's ruling was already written before the hearing, she stated so in the hearing and it's in the transcript. Judge Souder in fact didn't file a ruling she only made a docket entry. I think the Court of Special Appeals gave Judge Souder a way out but she chose to be vindictive.

Page 59: Judge Stringer says I've read the Interrogatories propounded on behalf of Ms. Senez and Collins' answers, they're very thorough and there are a number of questions that deal with this very issue. Interrogatory number four propounded by Ms. Senez to Ann Collins asks about written or oral statements concerning the subject matter of this action is a very long, thorough answer about communications between the Plaintiff and the Defendant. Eight asks about discussions concerning the, and decisions concerning the subject matter of this case. Refers back to answer number four. I mean, there are other questions that also touch on that issue with long answers from the Collins' concerning their communications. I will, Mr. Carney did have in his hand lengthy answers from the Collins' that purportedly describe all the communications between the Collins and the Senez's concerning this matter.

Senez: This is a bald face lie by Mr. Carney and Mrs. Lippincott!!!! Not once in the interrogatories did the Collins say I asked to put the fence along the wall instead of the property line! There are two walls at issue. The first is the property line wall and the second is the retaining / terrace wall on "my" property. If you read the answers the wall they are referring to throughout the interrogatories is my retaining / terrace wall on my property. Even though it was a replacement wall for the creosote railroad tie retaining wall Mr. Myers had built in the 80's. Hurricane Isabel washed a lot of the dirt out from behind the railroad ties. I replaced the wall and kept the upper level ground the same height. I also pulled the wall back on the east and north sides so the upper level is smaller. The Collins wanted me to take the new wall down. That is just ridiculous. Mrs. Lippincott needs to review her files a little more carefully.

There is no way a reasonably competent person could read Collins answers to interrogatories #4, #8, #22 & #23 and think that they were talking about the property line wall and that is how Carney knew that Ann Collins was going to say I asked if my fence

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could follow the wall instead of the property line! The property line wall was there in the mid 70's.

The references in the interrogatories:

New wall

Wall higher than old wall,

Permits

Page 59: Judge Stringer says, but I think most Judges review the law before they render a decision.

Senez: I don't believe Judge Souder reviewed the law before rendering a decision; this was evidenced by her misunderstanding of hostility and granting the Collins a full easement to my property. Her ruling on the boat ramp being used for mutual benefit was a totally erroneous ruling not based on law.

Page 59: Judge Stringer says Carney filed a post-trial memorandum arguing adverse possession.

Senez: Yes after the horse is out of the barn, and Judge Souder made such a horrendous ruling which was not based on law. I wanted to win my court case the first time around that's why I prepared all the information, pictures and gathered witnesses. Isn't that everyone's goal? Rather than a post-trial memorandum he should have filed a motion for summary judgment to take all the bogus accusations off the table and deal with just the adverse possession. I met all the elements of adverse possession and that's what Mr. Carney should have concentrated on in court.

Mr. Carney had enough information in Mr. Myers deposition to win the case but he didn't utilize it as I've outline numerous times in this document and the others on the website. He could have knocked the Collins right out by just pointing out that the property line wall and jog in the property line wall was there when Mr. Myers purchased so there was no cooperative co-owned boat ramp! I'm not so sure this wasn't intentional on Mr. Carney's part. And Baltimore County would have testified on permits, citations and drainage. Mr. Carney would rather ask me 43 questions about permits and zoning. This was an easy case if Mr. Carney would have spent a little time thinking about it.

Mr. Carney had to then file a Motion to Alter and Amend. What good was it at that point? Mr. Carney didn't cite one legal case in court. Read the transcript it's like a bad comedy. He didn't do his job in court that's why Judge Souder made such an outlandish ruling in granting Collins a full easement. He didn't do what he said he was going to do in the agreement I signed. Mr. Carney and Jim Quinn spent approximately 50 hours on my case prior to trial. After the trial they spent 51.7 hours. And that's at 6 minute intervals so it was probably less. All of the unpaid bills come from the trail dates and the Motion to Alter and Amend. He was paid up until the day of trial court! I guess he didn't care if won or not, he could make more money with further Motions and Appeals!

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Page 62: Judge Stringer talks about the wall being Collins and on the Collins property.

Senez: But the wall supported my side of the property which is higher by 3 feet and was causing the erosion of my property. It was also causing damage to the property I was trying to acquire thru adverse possession. Conveniently Mr. Carney always leaves that part out. However he was aware of this from our phone conversation on 7/21/06 and our email exchange on 6/29/06, 7/07/06, 8/30/06 and 8/31/06 and Mr. Carney's letter to Rob Thompson on 8/30/06. Mr. Carney certainly billed me for all of this.

I had to file a separate lawsuit against them for the damage to my property. The suit was filed in 6/26/09 in District Court, on 12/18/09 a Motion to stay was filed awaiting the Court of Special Appeals Rulings, on 8/21/12 it was reopened in Circuit Court, trial was scheduled for 1/3/14 and the suit was closed on 1/24/14 because the Collins corrected the problem on 11/22/13.

Now that the Collins have removed the fallen wall and slopped their property up to my property it proves the drainage was all a lie. Before there were only 10 weep holes now everything the runs on my side will run down to the Collins. So this proves there never was a drainage problem.

Page 62: Judge Stringer says that's why Mr. Carney ran down to South Carolina to take Mr. Myers deposition.

Senez: Mr. Carney didn't run anywhere; he coordinated it with his vacation. I begged him for nine months to get the deposition and can document 20 requests. The purpose for Mr. Myers deposition was twofold. It was to establish how long the wall was there and that it was there when Mr. Myers bought the property and therefore was not a cooperative effort for a boat ramp as claimed by the Collins. I also wanted to make sure Mr. Myers was available since he was in his late 70's early 80's. The minute Mr. Carney heard Mr. Myers say the wall was there when he purchased the property he should have been looking for Mr. Myers predecessor in title for tacking purposes and legal cases on existing barriers. Obviously Mr. Carney didn't believe me when I told him the wall was there prior to Mr. Myers or he would have started looking into earlier. Or he would have looked into the three people I already knew could testify on the length of time was there. Oh, that's right Mr. Carney never worried himself about any of that! Better yet since Mr. Myers never changed his position when talking to my prior attorneys and in his deposition we could have contacted the Cook family just as I have now done. Who have stated that they discovered the wall wasn't on the line in the mid 70's and just decided to leave it that way!

Page 63: Judge Stringer says, I really believe that the claims are second guessing Mr. Carney's strategy and tactics.

Senez: There is no strategy or tactic in not introducing evidence and witnesses! Evidence that then can't be used on appeal. No strategy or tactic in letting the Collins and opposing counsel sit there and say the wall and jog were a cooperative effort between the Cooks and

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Myers for a co-owned boat ramp when there was clear evidence that was a lie. Judge Souder believed the wall was a cooperative effort for a boat ramp and that was the crux for her erroneous ruling. Page 192, Judge Souder, “Unless the parties reach an agreement, both parties have A right to use the boat ramp just as they have done.”

Why are the Collins on my property in the back? Why is the concrete slab that Collins shed sits on, on my property? Why didn't Mr. Cook leave an opening to Mr. Myers side to access the boat ramp? Mr. Cook took the wall right down to the edge of the bulkhead and it was 24 inches high or higher at that point. Maybe the jog just gives back some of my property that the Collins are on towards the back of our properties. I'm on there's by 291 sq. ft. and Collins are on mine by 347 sq. ft.

No second guessing when Mr. Carney could possibly have tried to tack on to Mr. Roy Jones ownership of the property. No second guessing in that the wall was there for 25 years between Mr. Myers and Mr. Jones before my ownership and the witnesses I had. No second guessing in not citing similar legal cases like 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 other cases, i.e. Peters vs. Staubitz which was similar to my case,

To this day Mr. Carney has never explained what his trial strategy and tactic where. Mr. Carney wouldn't tell me his trial strategy and tactics when I asked in an email on 12/19/06, he said, “the record will speak for itself.” The record spoke and I don't believe Mr. Carney did anything to win my case!

Page 65: Mr. Dowell asked if I could address the court. Mr. Carney quickly objected to that.

Senez: I could have guessed that Mr. Carney would not let me speak. Mr. Carney wants nothing on record about how he mishandled my case. This way he and Mrs. Lippincott can continuously twist things around and lie and give you fraudulent information. I believe that's why Mr. Carney and Mrs. Lippincott never took my deposition.

I gave Mr. Carney pictures, documents and witnesses that showed everything the Collins alleged was bogus. It couldn't have been any clearer. Mr. Carney said in his email of 5/9/06 that the allegations were bogus. Mr. Carney didn't present this information. After Mr. Carney losses my case he tells me on 12/20/06, that I “should seek counseling and let the lawyers handle,” “that I've probably missed a lot of work and lost income in getting all this stuff together.”

Additional Information: Everything I've stated can be verified by the email exchange between Mr. Carney and me and his billing statement.

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Lies & Defamatory remarks Carney made in Judge Bollingers Court room 5/13/09

- When he took my case there was a trial date set and he had to run around to have postponed.
- He never heard peep from me until he sued me.
- I fired him; I have two letters from him saying he will no longer represent me.
- Sign was bed sheet on two posts; the sign was made by a sign company
- Unmarried and don't have children

Lies & Defamatory remarks Mr. Carney made in the Mediation 10/20/09

Said I was claiming I had a Puffy face

Lies & Defamatory remarks Carney said in the Court of Special Appeals Default Hearing 12/09/10: Unfortunately I don't have a transcript however I'm sure one can be obtained:

Judges: Matricciani, Hotten, James Kenney, III – Matricciani wrote opinion

- Doing a friend a favor, referring to Judy Ensor
- I fired him; I have two letters from him saying he will no longer represent me.
- Petulant, calling me names.
- Three day trial, it was a two day trial and not even full days. 8 hours including lunch
- Nobody likes Ms. Senez on that side

Lies & Defamatory remarks Mr. Carney told in his Deposition 8/25/11

Senez is needy

Hundreds and hundreds of pictures, I inundated his office

Constant contact by conversations, phone calls, emails, meetings

My idea to get Myers deposition, but she'll say it was hers.

Ms. Senez acted out in court

Had a lot to say about most everybody

Deposition-other lawyers in the room, only Lanzi

She's the one that got the break

Graham sitting down in the conference room

He agreed to file he said he would amend & alter then he's out

Said judge didn't want a reader, Quinn was going to do

Didn't back away from his statement about David Whitworth

Zoning document nothing helped my case

That Judy said the case was going to settle when he took it on.

That I was in constant contact with Quinn