

January 7, 2008

Dear Mr. Drew,

In response to your questions about MNCPPC's statement, my notes indicate that their position, as you related it to me, is as follows below. My response is based upon your assurance that MNCPPC's comments are as you related them to me. Based upon that, I have embedded my responses within their comments. If for any reason MNCPPC's comments are not as described below, then my comments must be disregarded.

I noted MNCPPC's statements in black, and my responses in blue.

P&P The dispute you are asking about involves a handful of private property owners in the area who want to develop some land that has been in a natural state for many years. Not true. The suit involves one family who seeks to obtain an address such that they can construct a single home on their property, just as their neighbors were permitted to do in the past. As for a natural state, the property along the Farm Road is strewn with large debris and dumped material deposited from persons unknown. Large appliances, tires, building materials and other debris litter the area. Large rubble piles have also been deposited by persons aligned with MNCPPC in their efforts to block access the Farm Road.

P&P Other surrounding property owners are on the side of preserving the land in its natural forested state

Not true – all but two of the surrounding property owners, Christine Hill, an employee of Sandy Spring Bank, and her aunt, whom the lawsuit alleges “apparently believes that the MNCPPC Group is too powerful to be crossed”, did not file a response to the Plaintiff's complaint, hence motions of default have been filed against most of them. However, two additional property owners have objected to the suggestion that a default be noted against them more than 60 days after they were served. These owners are Dr. Mess, a Director of Sandy Spring Bank according to SEC records, and Milton Johnson. Mr. Johnson owns land that I understand the County has deemed unbuildable due to its topography and proximity to the stream. Mr. Johnson's land adjoins Dr. Mess' property. Sandy Spring residents claim that they have seen development plans for more than 200 acres that adjoin the Farm Road and which is owned by persons who allegedly object to its existence.

P&P and my agency also has a long standing conservation easement in this general vicinity

True. MNCPPC is the grantee of a conservation easement that is located approximately ½ mile from the entrance to the Farm Road that is adjacent to the Slave Museum.

P&P to preserve the land's natural characteristics such easement was created based upon materially false submissions made to create it. Without the easement the related subdivision would not have been permitted under county subdivision regulations.

P&P The property owners who want to develop are trying to create a public road that's needed to support their development.

Not true. It would be helpful to ask MNCPPC to show you any documentation that indicates Mr. Rounds, or any of his neighbors have made any efforts to transform the private Farm Road into a public road. The property owners, the majority of which have yet to file any action against MNCPPC and its staff, merely request that MNCPPC issue addresses for their properties, as MNCPPC has done for their neighbors in the recent past.

P&P However we can find no public record to bolster their claim that a public road exists  
in part because no such claim has been made

P&P and another judge has already rejected a similar claim in another lawsuit filed by the same lawyer. Not true. The Nouvet case was not based upon a similar claim but rather upon an *easement to* the Farm Road. MNCPPC argued vehemently that the Farm Road was not at issue in the case and that no evidence of the Farm Road be permitted into it. Moreover, MNCPPC was able to persuade the Court to not allow any evidence of the Farm Road, i.e., the color map, the deeds and chains of title for more than twenty properties, the 1895 survey, MNCPPC's most recent topographical map which shows the Farm Road, etc. Regardless, the Nouvet case has been appealed and the Court recently ruled against the efforts of MNCPPC and its co-defendants to keep key evidence out of the record.

P&P That's what this lawsuit is really about.

Not true. The lawsuit is primarily about MNCPPC disregarding the law and discriminating against some of the most vulnerable families and people in our community. Single moms with five children and men and women in their 80's who have lived their entire lives peacefully in Sandy Spring until some have attempted to force them from their family properties and they contend, steal their land.

P&P Based on everything we know so far there simply is no public road that would allow these folks to develop.

This statement, if true, seems like spin deliberately designed to misinform. The fact is that MNCPPC routinely requires private road access to a public road as a condition of address assignment and/or subdivision. This happens in numerous cases across the county, including my own.

P&P The people who filed the suit are basing their claim primarily on documents from the 1800's that refer to a Farm Road.

Not true. The documents included in the Appendix to the Second Amended Complaint speak for themselves. Deeds to more than twenty properties each refer to the Farm Road as either the properties' boundary or reference an easement to the Farm Road.

P&P Obviously these deeds predate the automobile, and we are convinced that a Farm Road from that period is not the same thing as a public road.

The issue is not when the Farm Road was created or if it is a public road. The issue is if a private right-of-way or express easement over it has existed. With respect to parcels 5 and 6 on the color map, parcels which were incorporated into MNCPPC's development approval – the deeds that refer to the Farm Road were the most current deed of record as of the year 2000, when MNCPPC wrongfully obliterated the Farm Road on paper.

P&P Rather, a Farm Road of that vintage simply refers to a private internal cart path between farms or parts of farms, not a road used by the public at large or by cars that weren't even invented. For the record, cars were invented well before the 1930s, when the Farm Road was referenced in the deeds. To attempt to denigrate these families because they did not have the means to purchase motor vehicles is hopefully not what MNCPPC meant when they made this statement to you. I have numerous statements from Sandy Spring residents that attest to the Farm Road being well traveled from the late 1800s until it was wrongfully chained within the past two years. The law does not discriminate against people who are accessing their properties on foot, horseback or bicycle versus those who may have the luxury of owning an automobile.

P&P Unless a deed involves an interest that benefits the general public, nobody keeps track of all the various property arrangements made among private landowners in Montgomery County, or anywhere else as far as we know. This is a red herring. The issue that that all of the deeds for all of the properties shown on the color map numbered 1 -20 refer to the Farm Road as its boundary or right-of-way.

P&P There may be tens of thousands of private easements or rights-of-way in the county covering any number of neighbor-to-neighbor contracts – who gets access to a private driveway, who is responsible for maintaining it, who must do snow plowing, who must pay for property taxes etc. These deeds are maintained in the county land records, and our courts enforce them when a dispute occurs. We have nothing that says the general public ever benefited from the Farm Road so this is more like a private driveway.

No one has contended that the private Farm Road, the “driveway” to more than twenty properties, should be transformed as a public road. Moreover, all of the property owners along it are being forced to pay property taxes upon their property, complete with fees for county weekly trash pickup, all the while MNCPPC is denying them any use of their property, making them virtually unsaleable and unbuildable.

Everyone should understand what chaos would result if every private farm road from 200 years ago is somehow transformed into a public roadway. Mr. Rounds and his neighbors have not suggested that the only ingress/egress access for the Farm Road residents be converted into a public road.

P&P We suggest that you visit the property if you haven't done so already. If you could arrange a site visit with the various landowners, you would see large tracts of the properties are heavily wooded forest with trees easily 40 to 50 years old in the center of what is claimed to be the location of the Farm Road.

Mr. Drew - as perhaps MNCPPC was unaware that you have seen for yourself, other than a fallen tree, there are no trees in the Farm Road from Brooke Road to Mr. Rounds' property, or even to the Bacon Property, let alone any tree growing that is fifty years old.

P&P We also recommend that you review the court file, particularly our responses to the lawsuit.

Actually, I too believe you should review the Court file. Just last week the Court ruled against MNCPPC's efforts to object to documents irrefutably demonstrating the existence of the Farm Road. Also, recently an Affidavit made by Adrienne Gude Lewis was filed in the case that describes MNCPPC's actions to prevent residents from acquiring addresses that perhaps you would find helpful. It's attached hereto.

P&P Several of the claims the plaintiffs are raising in the suit are reckless. One of their most reckless claims and one to which we take the greatest exception and vehemently deny is the baseless and inflammatory suggestion that race or income are somehow involved in the Commission's approach to the matter. Race and income were clearly not involved in the first case this lawyer filed and lost on behalf of a white property owner. We think it's outrageous for people to sling this sort of mud just to try and win a lawsuit. Actually, as I believe you are aware, the lawyer representing the Bacon's is not alone in making accusations that MNCPPC and its staff have engaged in racism in their refusal to issue addresses to them. The community feels it is being forced out by MNCPPC and having their rights taken away. Many of them feel strongly that race and their economic status is central to MNCPPC's mistreatment of them.

P&P The Commission is attempting to protect the conservation easement collected many years ago for the public benefit and to look out for the greater public interest rather than the private economic interests of a few surrounding landowners who want to develop the woodland.

This is perhaps the most insidious statement that MNCPPC made, if it is in fact true. MNCPPC is attempting to frame some of the neediest people in the community as money grubbing. Nothing could be further from the truth, and anyone who has taken the time to see firsthand how these families are living knows better. Not one of these families have attempted to subdivide their land for material gain, but rather merely attain an address as MNCPPC has issued as recently as 2002 to their neighbors – a property affiliated with a large developer.

For MNCPPC to attempt to cast people as greedy who wish to rebuild their family home after it has burned to the ground is reprehensible. Likewise, for MNCPPC to characterize people who wish to rebuild their meager home as seeking economic benefit, after having it bulldozed by the County for failing to have indoor plumbing, is outrageous.

If MNCPPC truly wishes to look out for the public interest, instead of attempting to cover up their past problems, it would resolve this matter. If MNCPPC truly believed that the Bacon case was in effect baseless as their court filings contend, then their General Counsel would not continue to avoid service of process as he has since October.

It seems that MNCPPC is confusing aspects of a lawsuit, which they claimed had no connection with the Farm Road, with efforts to secure addresses from Mr. Rounds and his neighbor. Neither Mr. Rounds nor his neighbor are in a lawsuit against MNCPPC. Hopefully MNCPPC will not try to confuse the situation by claiming that they must continue to deny addresses for these people based upon a lawsuit that they claim they won, and which they claim did not have any connection to the Farm Road, and which concerned a property approximately 1 mile from the entrance to the Farm Road.

This afternoon I had an occasion to witness a spectacle where MNCPPC staff attempted to mislead another reporter into believing that the MNCPPC property map book was the address book. Ultimately a scene unfolded that was disgraceful whereby MNCPPC staff got into a heated argument with the reporter over her request to make a copy of a public document showing the Farm Road and addresses that MNCPPC has issued along it. All the while the MNCPPC staffer responsible for assigning addresses failed to cease arguing notwithstanding the insistence of the MNCPPC Development Review Chief and ultimately her lawyer to do so. It seems like an awful lot of commotion if there is nothing wrong here.

The best way to get straight answers regarding the Farm Road, and MNCPPC's handling of it, would be to gather MNCPPC officials, and their lawyers in a room, with me. I would be willing to attend such a meeting, alone. I will also be willing to answer questions that you ask me and provide supporting documentation for my answers. However, MNCPPC's legal staff have been less than straightforward on these issues and accordingly, I would require that the meeting be videotaped and require that I receive a copy of the recording. I would be pleased to arrange the videographer. I could attend such a meeting anytime after January 21<sup>st</sup>.

Sincerely,

A handwritten signature in black ink that reads "Steve J. Kanstoroom". The signature is written in a cursive, flowing style.

Steve Kanstoroom  
Cell 301 503-6078

Attachment: Adrienne Gude Lewis 12/31/07 Affidavit

## AFFIDAVIT

COMES NOW, ADRIENNE GUDE LEWIS, on this 31<sup>st</sup> day of December, 2007, who  
HEREBY SWEARS and AFFIRMS and deposes as follows:

1. That I am over the age of Eighteen and competent to testify in a Court of Law.
2. I am employed by the Montgomery County, Maryland Government. I am a County Council Legislative Aide.
3. I understand that questions have arisen regarding how and why it is that the letter written on November 14, 2007 by Mr. Eric Engleberg, of the Maryland Department of Planning ("MDP"), came to be written to Ms. Rose Krasnow.
4. I am intimately familiar with these facts as I was directly involved with them.
5. I also understand that a recent court filing alleges that Mr. William Nouvet took some type of inappropriate action to cause MDP to issue the November 14th letter. That is incorrect. Mr. Nouvet was not involved in any way. The letter came about as summarized below.
6. On November 6, 2007, acting in my capacity as legislative assistant to Montgomery County Councilmember Marc Elrich, I accompanied Mr. William Rounds to the Maryland National Capital Park and Planning Commission ("MNCPPC") in an attempt to obtain addresses for his two Sandy Spring, Maryland properties. Also accompanying Mr. Rounds was his volunteer advocate, Mr. Steven Kanstoroom and a reporter for National Public Radio.
7. Mr. Kanstoroom had arranged an appointment for Mr. Rounds with MNCPPC's staffer, Mr. Patrick Butler. When we arrived for our appointment Mr. Butler's associate, Mr. Lonnie Rorie stated that Mr. Butler had an unexpected emergency we would have to reschedule..

**PLAINTIFF'S  
EXHIBIT**

8. I explained that Mr. Rounds had gone to great lengths to attend the meeting, and his care for his grandchildren made repeat visits to MNCPPC difficult. Under the circumstances, I requested that Mr. Rorie assist us.

9. Mr. Rorie said that he could not do so because: a) Mr. Butler was the expert in assigning addresses, b) he was unaware of what efforts Mr. Butler had already undertaken to issue addresses for Mr. Rounds' properties, and; c) Mr. Rorie has a very busy job working at the information counter and he needed to be able to assist other customers and did not have time to possibly duplicate work that had possibly already been performed.

10. Mr. Kanstoroom explained that all Mr. Butler had done was to set up a time to meet at the Information Counter – nothing more. Although Mr. Rorie continually persisted in saying that he did not have time to help us, we did manage to have an over one hour conversation with him – all the while there being no other visitors to Mr. Rorie's Information Counter.

11. We returned again the following day on November 7, 2007 to the Information Counter and were able to meet with Mr. Butler. Mr. Kanstoroom presented public record documents that showed the location of Mr. Round's properties as well as the Farm Road that has provided ingress/egress to it for more than one-hundred years. Also included were deeds from twenty properties located along the Farm Road, each of which referred to the Farm Road in their chain of title.

12. Mr. Kanstoroom pointed out to Mr. Butler MNCPPC's documents in their "Address and Subdivision Books" that showed: a) that addresses had been issued along the Farm Road, b) the Maryland Tax Records showed the same, and; c) many of the addresses along the Farm Road had been crossed-out with hand-written marks. Mr. Butler expressed his concern over the crossed-out addresses and the fact that the

Maryland Tax Records showed the addresses as valid and excused himself to make photocopies of three of Mr. Kanstoroom's documents.

13. During this time I learned that Mr. Rorie was Mr. Butler's supervisor and that Mr. Butler had been employed by MNCPPC for only a matter of weeks.

14. Ultimately, Mr. Butler returned with MNCPPC's Richard Weaver to speak on behalf of MNCPPC. Mr. Weaver attempted to explain for more than an hour reasons that MNCPPC could not issue addresses for parcels which had been recorded after the year 1958 without first going through a subdivision process. However, it was pointed out to Mr. Weaver numerous times that the subject parcels had been recorded in the 1930s and that such regulations did not apply.

15. Mr. Weaver then noticed that the Maryland Property Map which contained Mr. Rounds' parcels, Map JT123, had several parcels out of numerical order.

16. Mr. Weaver then stated that MNCPPC could not issue addresses for Mr. Rounds' properties until the Maryland Department of Planning issued a revised map showing the correct location of Mr. Rounds' properties and that of several of his neighbors. Mr. Weaver directed Mr. Kanstoroom, Mr. Rounds and me to: a) bring the matter and the same documents to the attention of the Maryland Department of Planning, and; b) request that it correct Map JT123 and advise MNCPPC in writing once they had done so.

17. Mr. Weaver said that MNCPPC would issue addresses upon receipt of such notification.

18. Later that same afternoon the same documents that were provided to Messrs. Butler, Rorie and Weaver were provided to MDP's chief cartographer for Montgomery County. MDP's staff explained that the documents provided by Mr. Kanstoroom provided the missing link as to how to correct Map JT123, a map which they indicated had contained errors for some time. The information allowed MDP to use other public

record documents to confirm the parcel locations and existence of the Farm Road as depicted on the map provided by Mr. Jefferson Lawrence. MDP was also provided with the contact information as to where to send the letter that MNCPPC's Richard Weaver requested earlier the same day.

19. On November 14, 2007, MDP issued the letter in question to Rose Krasnow. Subsequently, I accompanied Mr. Rounds again to MNCPPC on Tuesday November 20, 2007. Also accompanying Mr. Rounds was his volunteer advocate, Mr. Steven Kanstoroom, along with one of Mr. Rounds' neighbors, who was also attempting to obtain an address, and a reporter for National Public Radio. Mr. Kanstoroom presented copies of public record documents that showed MNCPPC had issued addresses along the Farm Road as recently as the year 2002. Mr. Kanstoroom presented public record documents that showed that an address had been issued immediately north of Mr. Rounds properties and two addresses had been issued immediately south of Mr. Rounds and his neighbor's property.

20. Nevertheless, Mr. Rorie said that addresses could not be issued and that Mr. Weaver did not have any authority with regard to assigning addresses. Mr. Rorie explained that he was responsible for assigning and changing all address records, a responsibility he had held for years, and that MNCPPC did not keep any records as to when or how it issued, changed or modified address records.

21. Mr. Kanstoroom then asked Rose Krasnow to meet with our group. Ms. Krasnow agreed and Mr. Rounds prevailed upon her to issue his addresses, and treat him the same as his neighbors.

22. Ms. Krasnow first reasoned that addresses could not be issued because of pending litigation. Mr. Rounds and the others in attendance pointed out that: a) neither Mr. Rounds nor his neighbor was a plaintiff in any litigation, b) Mr. Rounds and his neighbor were deserving of addresses irrespective of litigation that was occurring with regard to a property located approximately one-half mile away from their properties, and; c)

MNCPPC has testified that the Farm Road is irrelevant to the litigation Ms. Krasnow cited. Ms. Krasnow then suggested that Mr. Rounds and his neighbor put their requests in writing.

23. I learned that on November 29, 2007, MNCPPC's legal counsel was provided with a copy of MDP's November 14, 2007 letter confirming the correctness of the map produced by Jefferson Lawrence and the fact that Map JT123 had been changed to conform to it.

24. I learned that on November 30, 2007, MDP's assistant attorney general and staff explained that MNCPPC's attorney had placed phone calls and sent an email to MDP demanding that the November 14<sup>th</sup> letter be rescinded due to pending litigation in which MNCPPC was involved.

25. To date, MDP has not released a copy of the MNCPPC email demanding that the November 14<sup>th</sup> letter be rescinded.

The above statements are true and correct to the best of my knowledge, information and belief and are made under the penalty of perjury.

Adrienne Gude Lewis  
Adrienne Gude Lewis

12/31/07  
Date

Subscribed and sworn to before me, this 31<sup>st</sup> day of December, 2007.

[Signature]  
NOTARY PUBLIC



**RAJ S. SINGH**  
**NOTARY PUBLIC, STATE OF MARYLAND**  
**COUNTY OF MONTGOMERY**  
**MY COMMISSION EXPIRES APRIL 1, 2010**