



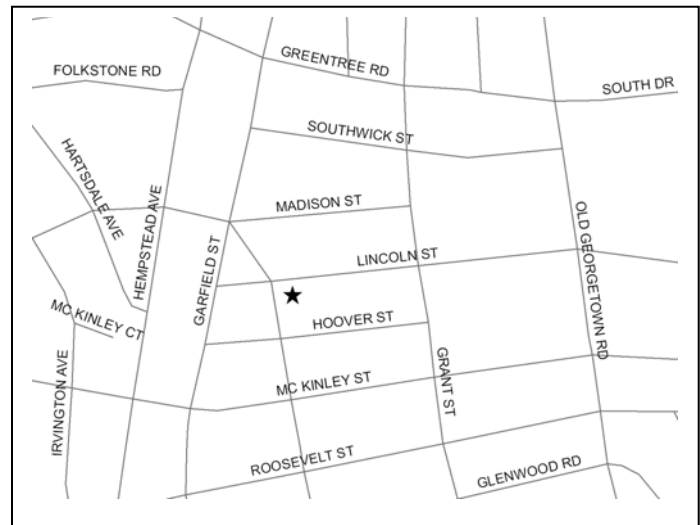
Subdivision Regulations Waiver 201203, Huntington Terrace

- Neil Braunstein, AICP, Area One, neil.braunstein@mncppc-mc.org
- Robert Kronenberg, Supervisor, Area One, robert.kronenberg@mncppc-mc.org
- Rose Krasnow, Chief, Area One, rose.krasnow@mncppc-mc.org

Staff Report Date: 11/4/11

Description

Location: Located on the south side of Lincoln Street, 75 feet east of the intersection of Jefferson Street
 Zone: R-60
 Master Plan: Bethesda/Chevy Chase
 Property size: 7,500 square feet
 Application to waive the requirement that a building permit may not be issued for a dwelling unless the dwelling is to be located on a lot that is shown on a recorded plat (Section 50-20(a)).
 Applicant: Kenneth Ramirez and Vera Ashworth
 Filing date: October 25, 2011



Summary

Staff Recommendation: Approval with Conditions

Staff is recommending that the waiver request be approved to permit the M-NCPPC staff to sign off on a building permit on property comprised of two parts of lots without the property being shown as a single lot on a recorded plat. A condition of approval is recommended that would require the applicants to file an application for a plat within 120 days of issuance of the building permit.

The applicants' property consists of two parts of lots, but the property is also shown as "Lot 8" on a subsequent plat (Plat 598). However, a note on the plat states that Lot 8 (as well as two other lots) is not part of that subdivision. As such, the property is not actually platted as a single lot, and building permits may not be issued for dwellings or other structures on the property, in accordance with Section 50-20(a) of the Subdivision Regulations. The applicants relied on the graphic depiction contained on Plat 598, which led them to believe that they owned a platted lot. Based on that belief, they demolished an existing house and intended to construct a new house. Approval of the waiver will allow Montgomery County Department of Permitting Services (MCDPS) to issue the building permit once M-NCPPC staff has determined that the permit meets the requirements of the subdivision regulations.

RECOMMENDATION: Approval subject to the following condition:

- 1) The applicant must submit an application for a plat of the subject property within 120 days of issuance of a building permit.

Background

The applicants, Kenneth Ramirez and Vera Ashworth, own a 7,500-square-foot property on Lincoln Street, in the Huntington Terrace subdivision. The property consists of part of Lot 1 and part of Lot 2, Block 10, Plat 131. Plat 131 created the Huntington Terrace subdivision and was recorded in 1910 (Attachment A8). This plat includes Lots 1 and 2 on Block 10. In 1935, a part of Lot 1 and a part of Lot 2 of Block 10 were transferred together to a new owner, thereby creating a single piece of property comprised of the two parts of lots. The property has since changed hands several times, and was ultimately purchased by the applicants in 1991.

In 1935, Plat 598 was recorded, which resubdivided certain lots on Blocks 10, 13, and 17 in the Huntington Terrace subdivision (Attachment A2). That plat shows the subject property as "Lot 8" on Block 10. However, a note on the plat states that Lot 8 (as well as Lots 7 and 11) were not included in the subdivision and were shown for reference only. No other legal instrument purports to create Lots 7, 8, and 11 of Block 10. Therefore, although a casual viewing of Plat 598 may appear to show that the subject property is a single, platted lot (Lot 8), it is in fact still made up of two parts of lots.

The subject property is referred to in the Maryland State Department of Assessments and taxation (SDAT) records as Lot 8, Block 10, Plat 598 (Attachment A1). The applicants' deed makes the same reference (Attachment A3), as do the deeds of two predecessors in title, going back to 1947 (Attachments A4 and A5). A subsequent plat, Plat 1890 (Attachment A7), was recorded in 1947, and it too refers to Lots 7, 8, and 11, Block 10 on Plat 598. These references are made despite the fact that Plat 598 does not include Lot 8 Block 10 as part of the subdivision, and no legal basis for the creation of that lot has been found.

A one-family dwelling that had existed on the property since 1937 was recently partially demolished by the applicants to allow construction of a new dwelling. Upon review of the building permit by staff, it was discovered that a building permit could not be issued because of the status of the property as parts of lots.



The Subject Property and Vicinity

Waiver Standards

The Subdivision Regulations provision that is the subject of the waiver request is Section 50-20(a), which states (in relevant part):

The Department of Permitting Services must not approve a building permit for the construction of a dwelling or other structure, except a dwelling or structure on a farm strictly for agricultural use, unless the dwelling or structure would be located on a lot or parcel of land which is shown on a plat recorded in the County plat books....

Waiver requests are governed by Section 50-38(a)(1):

The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

Applicants' Position

The applicants relied on the SDAT information page for their property, two recorded plats, and three recorded deeds to reach the conclusion that their property is a platted lot, that is Lot 8, Block 10, Plat 598. The fact that a number of officially generated or officially recorded documents refer to incorrect and misleading property information is an unusual circumstance that led the applicants to embark on a demolition and construction process that the applicants believed was in compliance with the law. Costs associated with delay of the construction project, including the cost of renting a temporary dwelling during construction, represent a practical difficulty. The requested waiver is the minimum necessary to provide relief because the applicants intend to prepare and record a plat that creates a new lot for their property. A recommended condition of approval would require the applicants to file the application for the plat within 120 days of issuance of the building permit. With this condition, the desired outcome of having the property become a lot shown on a recorded plat is merely delayed, not lost. Approval of the waiver would not be adverse to the public interest because a plat will be recorded and because construction of a dwelling will return the property to a built-condition, as it was from 1937 to 2011, when it was not a platted lot. No harm befell the public interest during that unplatted period.

The applicants also note that a building permit was issued in 2008 for construction of a new dwelling on another one of the properties shown on Plat 598 as "Lot 11" but that was, according to the notes, excluded from that subdivision. Like the subject property, this property is also actually comprised of parts of lots, despite it being referred to as Lot 11. At that time, staff reviewed and recommended that Montgomery County Permitting Services approve the building permit. The applicants assume that the note on Plat 598 excluding Lots 7, 8, and 11 was overlooked in that instance. The applicants intend to seek the cooperation of the owners of the properties referred to as Lots 17 and 11 to have those lots platted along with the applicants' property.

Staff's Position

Staff agrees that the public record contains inaccurate and misleading information with respect to the applicants' property and is persuaded that this constitutes an unusual circumstance with respect to the waiver request. The inaccurate and misleading information led the applicants to believe that they could obtain a building permit for a new dwelling on their property. They relied on this belief to initiate demolition of their existing dwelling and design and contracting for construction of the new dwelling. Delays at this stage of the process add unnecessary cost and time to the project.

Staff believes that the requested waiver is the minimum necessary and will not be adverse to the public interest. The public interest is served by allowing the County to maintain accurate property records by recordation of a subdivision plat. A plat is anticipated to be recorded and a recommended condition of approval would require the applicants to file a plat application within 120 days of issuance of the building permit. Staff believes that the waiver is not inconsistent with the purposes and objectives of the General Plan. The plat that will ultimately be recorded will create a single lot from the consolidation of two parts of lots. The development density will not be increased because there will not be an increase in the number of developable properties.

Staff agrees with the applicants' assessment that the note excluding Lots 7, 8, and 11 was overlooked during staff's review of the building permit for Lot 11 in 2008. That argument is not persuasive as part of the justification for granting the waiver request because an error by staff should

not bind future decisions. However, the applicants' stated intention to work with the owners of Lot 7 and Lot 11 to have them participate in the platting process furthers the public interest by correcting the lapse in public record keeping for these two additional properties.

The applicants also request a waiver of the requirement to submit a preliminary plan. However, a waiver of that requirement is not needed because the proposal to combine two parts of lots into one new lot qualifies as a minor subdivision in accordance with Section 50-35(A)(a)(3) of the subdivision regulations, which allows consolidation of two or more lots or parts of lots into one lot.

CONCLUSION

SRW 201203, Huntington Terrace, has been reviewed pursuant to Section 50-38 of the Montgomery County Subdivision Regulations. The request is for relief from compliance with Section 50-20(a) of the regulations, which requires that building permits only be issued for one-family dwellings if they will be located on platted lots. Based on the discussion and analysis in this report, the request is the minimum necessary to effect the change and is not contrary to the local master plan or the General Plan. The applicant has provided sufficient evidence that this is an unusual circumstance and that there is a practical difficulty that prevents strict compliance with the regulations. Therefore, staff recommends approval of the subdivision waiver request.

Attachments

Attachment A – Applicants' Justification Statement, with attachments

**JUSTIFICATION STATEMENT FOR SUBDIVISION WAIVER REQUEST
HUNTINGTON TERRACE, BLOCK 10, LOT 8**

Waivers Requested

1. Waiver of the requirement in §50-20(a) that a lot be platted before a building permit may be issued for the construction of a single-family residence thereon, on the condition that a record plat for the lot is filed with the Board within 120 days of the issuance of building permit 579723.
2. Waiver of the requirements in §50-34(a) and §50-35 for submission and review of a preliminary plan before submission of a subdivision record plat, if it is determined that the lot to be platted does not qualify for minor resubdivision under §50-35A(a)(3).

The Origins of “Lot 8”, Block 10

Kenneth Ramirez and Vera Ashworth are the owners (“Owners”) of a single-family residence at 5520 Lincoln Street, Bethesda, Maryland, which they have owned and lived in since 1991. It is referred to in the SDAT records as Huntington Terrace, Block 10, Lot 8, and the Plat reference is Plat 598, filed in 1935. **Exhibit 1.** Lot 8 is depicted on Plat 598, which has the title “Resubdivision of Lots 1,2,3 and Part of 4, Block 10, 1,2 and 3 Block 13 and 10, 11 and Part of 9, Block 17 Huntington Terrace.” **Exhibit 2.** At first inspection, Plat 598 appears to be a Plat creating, *inter alia*, Lot 8, Block 10. It is so described in the Owners’ 1991 deed, **Exhibit 3**, as well as in the deeds of the two predecessors in title, going back to 1947. **Exhibits 4 & 5.**

As detailed below, the Owners are in the process of obtaining demolition and building permits to replace the house that has stood on their property since 1937. An engineered site plan submitted in connection with their building permit application (DPS No. 579723) is attached as **Exhibit 6**. In connection with the permit review process, it was recently brought to their attention by Planning Board staff that Plat 598 contains a note stating as follows: “Area indicated by Lots 7, 8 & 11 Block 10 as shown on this plat not included in this subdivision but shown for reference only.” Further inquiry has revealed that there is no other plat of subdivision purporting to create Lots 7, 8 & 11, Block 10. However, these lots, along with intervening Lots 9 & 10 in Block 10, are depicted in Plat 1890, which references Plat 598 as the basis for Lots 7, 8, 9, 10 & 11, Block 10. **Exhibit 7.**

It appears from deed records that Lot 8 was excluded from the 1935 resubdivision on Plat 598 because, as a part of original Lot 1 and Lot 2, it had been created by deed in the initial sale of the property by developer Huntington Terrace Corporation, just a short time before the resubdivision was recorded in 1935. Hence, staff has concluded that Lot 8 is not properly recorded, and consists of part of Lots 1 and 2 in Block 10, the original

Huntington Terrace subdivision of 1910, on Plat 131. **Exhibit 8.** All of this history, and its implications, has become known to the Owners' for the first time in connection with the review process for building permit 579723.

The Origins of "Lots 7 & 11," Block 10

The foregoing history appears to be equally true for the other two excluded lots from the 1935 resubdivision in Block 10, i.e., Lots 7 & 11, which consist, respectively, of part of Lot 1 (Lot 7) and part of Lot 3 and Part of Lot 4 (Lot 11) of the original Block 10 subdivision. And, as with Lot 8, Lots 7 & 11 have never been formally included in a plat of resubdivision.

The question of the absence of recordation for Lot 7 has not arisen at the Board staff level to date, in that the house on this lot dates to 1938, leaving no occasion to revisit the issue. **Exhibit 9.** For Lot 11, the situation is strikingly different: parallel to that of the Owners in terms of plans, but not in terms of response by Board staff. In 2008, the original home on that property was demolished and replaced with a new home, under DPS-approved Permit No. 494363, which had been reviewed and approved by Wayne Cornelius of the Board staff on September 8, 2008. **Exhibit 10.** DPS website documents referencing this permit refer to the property as "Lot 11, Block 10, Huntington Terrace." **Id.** Presumably, the note on Plat 598 was simply overlooked in that instance.

Application of Waiver Standards

Under § 50-38(a) of the Subdivision Ordinance, a waiver from the Board is permissible when the applicant demonstrates "practical difficulties or unusual circumstances . . . that prevent full compliance with the requirements from being achieved . . ." Any waiver must be the minimum necessary, and not inconsistent with either the General Plan or the public interest.

The Owners are seeking to do nothing more than what their nearby neighbors on "Lot 11, Block 10" were allowed to do: demolish the old home and build a new one in its stead, in full compliance with the development standards in the Zoning Ordinance, and consistent with the General Plan, the Master Plan and the public interest. It appears that the new homeowners on "Lot 11" are the beneficiaries of oversight, and that a record plat for Lots 7, 8 & 11, or at least Lot 11 alone, should have been insisted upon in 2008. The Owners intend to correct the situation for their current permit application on Lot 8, cure any oversight as to Lot 11, and validate Lot 7 for future permit work, assuming the other two Lot owners will cooperate. All of this is to correct a filing requirement for which compliance fell through the regulatory cracks 75 years ago and remains uncorrected today. There have been no apparent adverse consequences from any land use perspective other than proper and regular recordkeeping—a public interest value that the Owners appreciate and respect, and one which failed them through no fault of their own.

The Owners' immediate problem, however, is the amount of time it will take to follow the necessary corrective process in this case. The Applicant believes that this resubdivision qualifies for treatment as a minor resubdivision under §50-35A(a)(3), as a consolidation of parts of two record plat lots. If the Board staff disagrees, then the waiver request extends to obviating the preliminary plan review process in this case. But regardless of which subdivision process is technically applicable, the time the process would entail will require the Owners to incur substantial additional expense that goes beyond burdensome to the point of serious risk to being able to complete their new home project. With all signoffs on their building permit in place except the Planning Department's, the Owners were led to believe that permit issuance was imminent. DPS provided a 4-8 week estimate to process the required 4 permits, and the applications were submitted between August 22, 2011 and September 14, 2011. The project plan was developed accordingly, putting the Owners in their new home at the end of January, 2012.

The Owners were fortunate enough to find a suitable short-term rental property for the construction phase. This enabled the Owners to vacate the premises early and donate the house, **Exhibit 11**, to the charity Second Chance, a 501(c)(3) nonprofit that deconstructs homes, salvages usable materials, sells the materials, and provides job training in the process. A full house deconstruction of this size takes 2-3 weeks to harvest all reusable materials prior to final demolition. A portion of the deconstruction (removal of appliances, floors, interior doors, woodwork and plaster) is complete, with remaining deconstruction to commence upon issuance of the demolition permit.

Meanwhile, the Owners are effectively undergoing the expense of dual residences and have expended significant funds (over \$192,400) in support of the permits and project to date:

- Expending approximately \$1,000 additional living expenses for rent and storage each week they are out of the house
- Posted bond of over \$3,400 for the sediment control permit
- Paid over \$92,000 to contractor and modular builder for drafting and engineering fees, to lock in costs, begin ordering materials, and complete the permitting
 - Includes over \$3,400 in DPS permit application fees
- Paid over \$97,000 at settlement from money market to reduce home construction loan

The Owners opted for a modular custom home as a faster and environmentally-friendly option. Modular projects are rapid, yet require significant outlay in advance of build.

The Owners' constructive approach to their unanticipated difficulties, as reflected in this waiver request, is to acknowledge the need to file a new plat and to do so promptly, rather than advance reasonable legal arguments available to them for the proposition that they should simply receive the more favorable treatment afforded the current "Lot 11" owners to date. The requested waivers will fulfill every public interest purpose or value at stake in this case, and the Owners respectfully submit that it is not necessary, in the circumstances of this particular case, that there be a preliminary plan review of an established area of subdivision that will remain unchanged. There is

likewise no important reason that a corrected record plat be finalized and in place before the Owners go forward with their otherwise approved building plans. Nothing in the way of streets, lot lines or any other issue of concern in the subdivision/platting process is jeopardized. This is the same lot as has existed at this site since 1935; only its denomination in the plat records is to change.

The Owners' practical difficulties arising from being obliged to complete lot recordation formalities prior to permitting are substantial. The institutional harm from a slight relaxation of the timing of the recordation requirement (a 120 day delay is requested) and obviating preliminary plan review in these unusual circumstances is slight or nonexistent. This is confirmed by the absence of any problem from lack of compliance with the recordation requirement for Lot 11 over the past 2-3 years, and the fact that, on the ground, the effect is simply to continue the existing pattern of land ownership that has been in place for the three lots excluded from Plat 598, unchanged since 1935.

| | |
|--|---|
| Maryland Department of Assessments and Taxation Real Property Data Search (vw2.2A) MONTGOMERY COUNTY | Go Back View Map New Search GroundRent Redemption GroundRent Registration |
|--|---|

Account Identifier: District - 07 Account Number - 00512906

Owner Information

| | | | |
|-------------------------|---|-----------------------------|------------------------|
| Owner Name: | RAMIREZ KENNETH R & | Use: | RESIDENTIAL |
| Mailing Address: | VERA A ASHWORTH 5520 LINCOLN ST BETHESDA MD 20817 | Principal Residence: | YES |
| | | Deed Reference: | 1) /09736/ 00311 2) |

Location & Structure Information

| | |
|--|--------------------------|
| Premises Address | Legal Description |
| 5520 LINCOLN ST BETHESDA 20817-0000 | HUNTINGTON TER |

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No: |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|----------------|
| HN13 | 0000 | 0000 | | 0032 | | 10 | 8 | 1 | Plat Ref: /598 |

Special Tax Areas

| | |
|-------------------|------|
| Town | NONE |
| Ad Valorem | |
| Tax Class | 38 |

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1937 | 1,212 SF | 7,500 SF | 111 |

| Stories | Basement | Type | Exterior |
|----------|----------|---------------------|----------|
| 1.500000 | YES | STANDARD UNIT FRAME | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---------------------------|------------|---------|----------------------|------------|
| | | | As Of | As Of |
| Land | 538,650 | 415,500 | 07/01/2011 | 07/01/2012 |
| Improvements: | 122,100 | 102,900 | | |
| Total: | 660,750 | 518,400 | 518,400 | 518,400 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | | | | |
|----------------|----------------------|---------------|---------------|---------------|-----------|
| Seller: | | Date: | 05/03/1991 | Price: | \$230,000 |
| Type: | ARMS LENGTH IMPROVED | Deed1: | /09736/ 00311 | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | Deed2: | |

Exemption Information

| Partial Exempt Assessments | County | State | Municipal | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|--------|-------|-----------|-------|------------|------------|
| | 000 | 000 | 000 | | 0.00 | 0.00 |
| | | 000 | | | 0.00 | 0.00 |
| | | | 000 | | 0.00 | 0.00 |

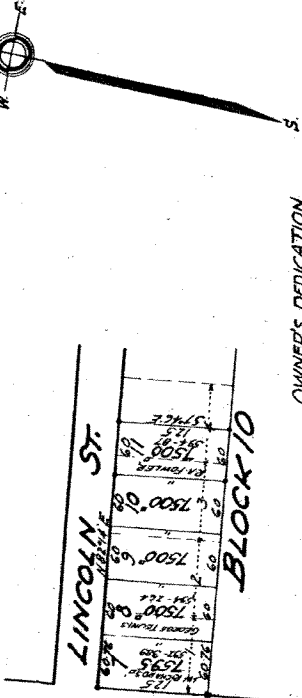
Tax Exempt: _____ **Special Tax Recapture:** _____
Exempt Class: _____

EXHIBIT 1

RESUBDIVISION OF LOTS 1, 2, 3 AND PART OF 4
 BLOCK 10, 1, 2 AND 3 BLOCK 13 AND 10, 11 AND PART
 OF 9 BLOCK 17 HUNTINGTON TERRACE,
 MONTGOMERY COUNTY, MARYLAND.
 AUGUST 1935
 SCALE 1" = 100'

MARYLAND SUBDIVISIONS COMMISSION - DISTRICT
 APPROVED AUG. 8, 1935
 AS TO SUBDIVISION MAP AND PLAN
 BY
Richard S. Hall
 CIVIL ENGINEER

MARYLAND NATIONAL CAPITAL AND PLANNING COMMISSION
 APPROVED AUG. 3, 1935
 AS TO THE PLAN AND MAP
 BY
Charles R. Homan, Jr.
 CIVIL ENGINEER
 TANC. REC. RECORD FILE NO. 452



OWNER'S DEDICATION

We, Huntington Terrace Corporation duly incorporated under laws of the State of Delaware, owners of the property described in the Engineers Certificate and the plan of subdivision shown hereon, And establish the minimum building restriction lines there are no suit of action, leases, liens or trusts on the property included in this plat of subdivision.

HUNTINGTON TERRACE CORPORATION
 BY *Joseph M. Strakey*
 PRESIDENT
 AUG. 8, 1935
 ATTEST
M. J. Pike
 Notary Public

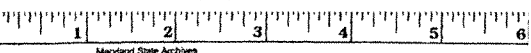
Note: Area indicated by Lots 7, 8 & 11 Block 10 as shown on this plat not included in this subdivision but shown for reference only.

FILED
 AUG 28 1935

ENGINEER'S CERTIFICATION

I, JOSEPH M. STRAKEY, hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the lands conveyed by Eugene Rhodes and Harry L. Light to Huntington Terrace Corporation by deed dated October 16, 1930 and of record in Liber 562 of folio 50 of 9, Block 17 as shown on the plat of Huntington Terrace, recorded in Plat Book No. 2, Plat No. 131 of the Land Records of Montgomery Co., Maryland; and that lines marked thus ■, and iron pipe marked thus • have been placed as shown.

7th August 1935
Joseph M. Strakey
 CIVIL ENGINEER



Deed April 30, 1991

LIBERS 736 FOLIO 311

This Deed

7-32-512906

Tax Account No./Parcel Identifier

Made this 30th day of April, 19 91, by and between
MAE A. BURNS, Surviving Tenant by the Entirety of DUANE W. BURNS, deceased, who
party(ies) of the first part, and
KENNETH R. RAMIREZ and VERA A. ASHWORTH, Husband and Wife
party(ies) of the second part:

91 MAY -3 P 2:53.9
CLERK'S OFFICE
MONTGOMERY COUNTY

Witnesseth, that in consideration of the sum of \$ 230,000.00 receipt of which is hereby
acknowledged, and which party(ies) of the first part certify under the penalties of perjury as the actual considera-
tion paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party(ies) of
the first part do(es) grant and convey unto the party(ies) of the second part in fee simple as Tenants by the
Entirety all that property situate in MONTGOMERY County, State of Maryland,

described as:
The East 28.64 feet front on Lincoln Street by the full depth thereof of Lot
numbered ONE (1), and the West 31.36 feet front on Lincoln Street by the full
depth thereof of Lot numbered TWO (2), in Block numbered TEN (10) of the
subdivision known as "HUNTINGTON TERRACE", as per plat of said subdivision
recorded in Plat Book 2, at Plat 131, one of the Land Records for Montgomery
County, Maryland. Said parcel being also designated as Lot 8, Block 10, on
a plat of recorded in Plat Book 7, at folio 598, among the aforesaid Land
Records.

**died on or about May 17, 1976 in Montgomery County, Maryland;

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County
7939

| | | |
|-----------|---------|---|
| RIX | 0 | H |
| TRANS | 1 | H |
| AMOUNT | 230000 | H |
| DEED | 1012.00 | |
| SIT | 0 | H |
| TRANS | 1 | H |
| AMOUNT | 200000 | H |
| DEED | 1000.00 | |
| FEEES | | |
| 424.00 | 16.00 | |
| NAFES | | |
| 381.00 | 3.00 | |
| PARCEL ID | 1.00 | |

by _____ Date _____
which has an address of 5520 Lincoln Street, Bethesda, Maryland 20817

Subject to covenants, easements and restrictions of record.

To Have and To Hold said land and premises above described or mentioned and hereby intended to
be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every
title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for
the proper use only, benefit and behalf forever of said party(ies) of the second part in fee simple.
Being the same property described in Liber 1990 folio 120, among the said Land Records.

And the said party(ies) of the first part covenants that it will warrant specially the property hereby con-
veyed and that it will execute such further assurances of said land as may be requisite or necessary.

In Testimony Whereof, the said party of the first part has set its hand(s) and seal(s) the year and day
first above written.

(SEAL) Ma A. Burns (SEAL)
MAE A. BURNS

(SEAL) _____ (SEAL)

State of Maryland, County of Montgomery ss:
I Hereby Certify that on this 30th day of April, 19 91,
before me, the undersigned subscriber, did personally appear
MAE A. BURNS

known to me or satisfactorily proved to be the person(s) whose name(s) are set forth in the within deed, and did fur-
ther acknowledge that she executed the foregoing deed for the purposes therein contained.

Witness My Hand And Notarial Seal.

My commission expires: 12/1/92

Robert M. Gratz
Robert M. Gratz
Notary Public

I certify that this instrument was prepared under the supervision of an attorney admitted
to practice before the Court of Appeals of Maryland.
MONTGOMERY COUNTY CLERK'S OFFICE (Land Records) (MSA) CE 63-86841 DEED BAS 9736, p. 0311. Printed 10/18/2011. Online
06/22/2005.

Form 129

Robert M. Gratz
Attorney
RO 45471

EXHIBIT 3

A-2, 8

LIBER 736 FOLIO 312

Grantors' Address 8100 Connecticut Avenue, Suite 603, Chevy Chase, Maryland 20815
Grantees' Address 5520 Lincoln Street, Bethesda, Maryland 20817
Title Insurer TRW TITLE Insurance Corporation of New York

MAY 8 1991

7-32-512906

All taxes on assessments certified to the Collector of Taxes for Montgomery County, Md. by 512906 have been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recordation and is not assurance against further taxation even for prior periods. Does it guarantee satisfaction of outstanding tax sales.

2,300.00 TRANSFER TAX PAID
MONTGOMERY COUNTY, MARYLAND

Douglas D. Chung

Deed

MAE A. BURNS

To

KENNETH R. RAMIREZ and VERA A. ASHWORTH, Husband and Wife

Received for record on the _____ day of _____, 19_____,
at _____ o'clock, _____ M. and recorded in Liber No. _____, folio _____,
among the Land Records of the County of _____, State of Maryland.

CLERK

Law Office

ROTHSTEIN & ASSOCIATES, P.A.
7415 Arlington Road
Bethesda, Maryland 20814

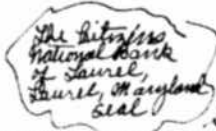
CASE# 45491

REMIT TO:
ROTHSTEIN & ASSOCIATES, P.A.

7415 Arlington Road

Bethesda, Maryland 20814

attest: James L. Hilley
Assistant Cashier



The Citizens National
Bank of Laurel, Laurel, Maryland
W. M. Cole, President

RECORDED

Recorded

September 15, 1957

Washed to: premium
5520 Lincoln St.
Bethesda, Md

at the request of George W. Long and Carolyn B. Long, the following
Deed was recorded June 17th, A.D. 1947, at 2:43 o'clock P.M. to wit:
This Deed made this 16th day of June in the year of our word one

thousand nine hundred and forty-seven by and between George Tounis and Agnes V. Tounis, his
wife, parties of the first part, and George W. Long and Carolyn B. Long, his wife, parties
of the second part:

Witnesseth, that in consideration of the sum of ten dollars (\$10.00)
the said parties of the first part do grant and convey unto George W. Long and Carolyn B.
Long, his wife, as tenants by the entirety, parties of the second part, their heirs and assigns,
in fee simple all that piece or parcel of ground situate, lying and being in Montgomery County,
State of Maryland, being part of the same land obtained from Huntington Terrace Corporation, a
Delaware Corporation, by deed dated the 18th day of June 1935, recorded in the Land Records of
Montgomery County, Maryland in Liber 594 at folio 264 and being described as follows to wit:

The East 28.62 foot front on Lincoln Street by the full depth thereof
of Lot 1 and the West 31.96 foot front on Lincoln Street by the full depth thereof of Lot 2 in
Block 10, of a subdivision known as and called "Huntington Terrace", as per plat thereof
recorded in Plat Book 2, at plat 131. Being also known and designated as Lot 2 of a subdivision
of Lots 1, 2, 3 and part of 4, in Block 10, of a subdivision known as and called "Huntington
Terrace", as per plat thereof recorded in Plat Book 7, at plat 598, one of the Land Records
of Montgomery County, Maryland, the address for the above premises is 5520 Lincoln Street,
Bethesda, Montgomery County, Maryland.

Together with the covenants and incumbrances thereon, or, created, made,
or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and
advantages, to the same belonging, or in anywise appertaining.

To Have and to hold the said piece or parcel of ground and premises
above described or mentioned, and hereby intended to be conveyed, together with the covenants,
privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the
only use, or use, benefit and behoof forever of the said George W. Long and Carolyn B. Long,
his wife, in fee simple, as tenants by the entirety.

and the said parties of the first part covenant that they will warrant
specifically the property hereby conveyed; that they are seised of the land hereby conveyed;
that they have a right to convey said land; that the parties of the second part shall acquire
only said land; that they shall not be subject to encumber said land; and that they will execute
such further assurance of said land as may be requisite.

Without our power and seal:

Wests: George Tounis (Seal)
Agnes V. Tounis (Seal)
Witness: Internal Revenue 248.11
State Tax 418.15

State of Maryland, County of West Kent, ss:

I hereby certify that on this 16th day of June 1947, before me
subscriber, a Notary Public in and for State and County aforesaid personally appeared George
Tounis and Agnes V. Tounis, his wife, and did each acknowledge the aforesaid deed to be
their act.

in Testimony whereof I have affixed my official seal this 16th day of
June, A.D. 1947.

Deed to George 5520 Lincoln St. Bethesda Md. 12.22.54



FORM 1990 (7-12-54)

Law Reporter Blank No. 80
112 (2010) ST. & C. ANNAPOLIS, MD.

Recorded Nov. 17th, 1954-at-10:23 A.M.

This Deed



Made this 12th day of November in the year of our Lord one thousand nine hundred and fifty-four, by and between

GEORGE W. LONG and CAROLYN B. LONG, his wife,
as Tenants by the Entirety,
of Montgomery County, Maryland



parties of the first part, and

DJANE W. BURNS and MAE A. BURNS, his wife,

of Montgomery County, Maryland parties of the second part:

Witnesseth, that in consideration of TEN AND NO/100 DOLLARS



the said parties of the first part

GEORGE W. LONG and CAROLYN B. LONG

do grant and convey unto

DIANE W. BURNS and MAE A. BURNS



parties of the second part, as Tenants by the Entirety, their heirs and assigns, in fee simple all that piece or parcel of ground situate, lying and being in Montgomery County, State of Maryland, being the same land which the said parties of the first part GEORGE W. LONG and CAROLYN B. LONG,

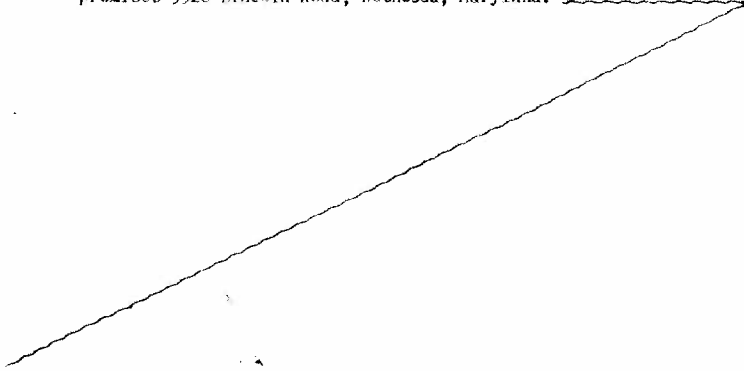
obtained from GEORGE TEUNITZ, et ux., AGNES V. TEUNITZ,



by deed dated the 12th day of June 1947, recorded in the Land Records of Montgomery County, Maryland in Liber 1082 at folio 408 and being described as follows to wit:



The East 23.64 feet front on Lincoln Street by the full depth thereof of Lot numbered One (1), and the west 31.36 feet front on Lincoln Street by the full depth thereof of Lot numbered Two (2), in Block numbered Ten (10) of the subdivision known as "Huntington Terrace", as per plat of said subdivision recorded in Plat Book 2, at folio 131, one of the Land Records for Montgomery County, Maryland. Said parcel being also designated as Lot 8, Block 10, on a plat of record in Plat Book 7, at folio 598, and being premises 5520 Lincoln Road, Bethesda, Maryland.



Need

NOV 12, 1954

1990; 121

1954 1990 FILE 121

Together with the building and improvements thereupon, erected, made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining.

To Have and to Hold the aforesaid piece or parcel of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said parties of the second part, their heirs and assigns.

And the said parties of the first part covenant that they will warrant specially ~~and generally~~ the property hereby conveyed; that they are seized of the land hereby conveyed; that they have a right to convey said land; that the said parties of the second part shall quietly enjoy said land; ~~that they do not to encumber said land.~~

and that they will execute such further assurances of said land as may be requisite

Witness their hands and seals

TEST:

J. F. Dawson

George W. Long (SEAL)
Carolyn B. Long (SEAL)

STATE OF MARYLAND
COUNTY OF MONTGOMERY

SS:

I Hereby Certify that on this 12th day of December 19 54 before the subscriber, a Notary Public in and for the County aforesaid,

personally appeared GEORGE W. LONG and CAROLYN B. LONG and did each acknowledge the foregoing deed to be their act.

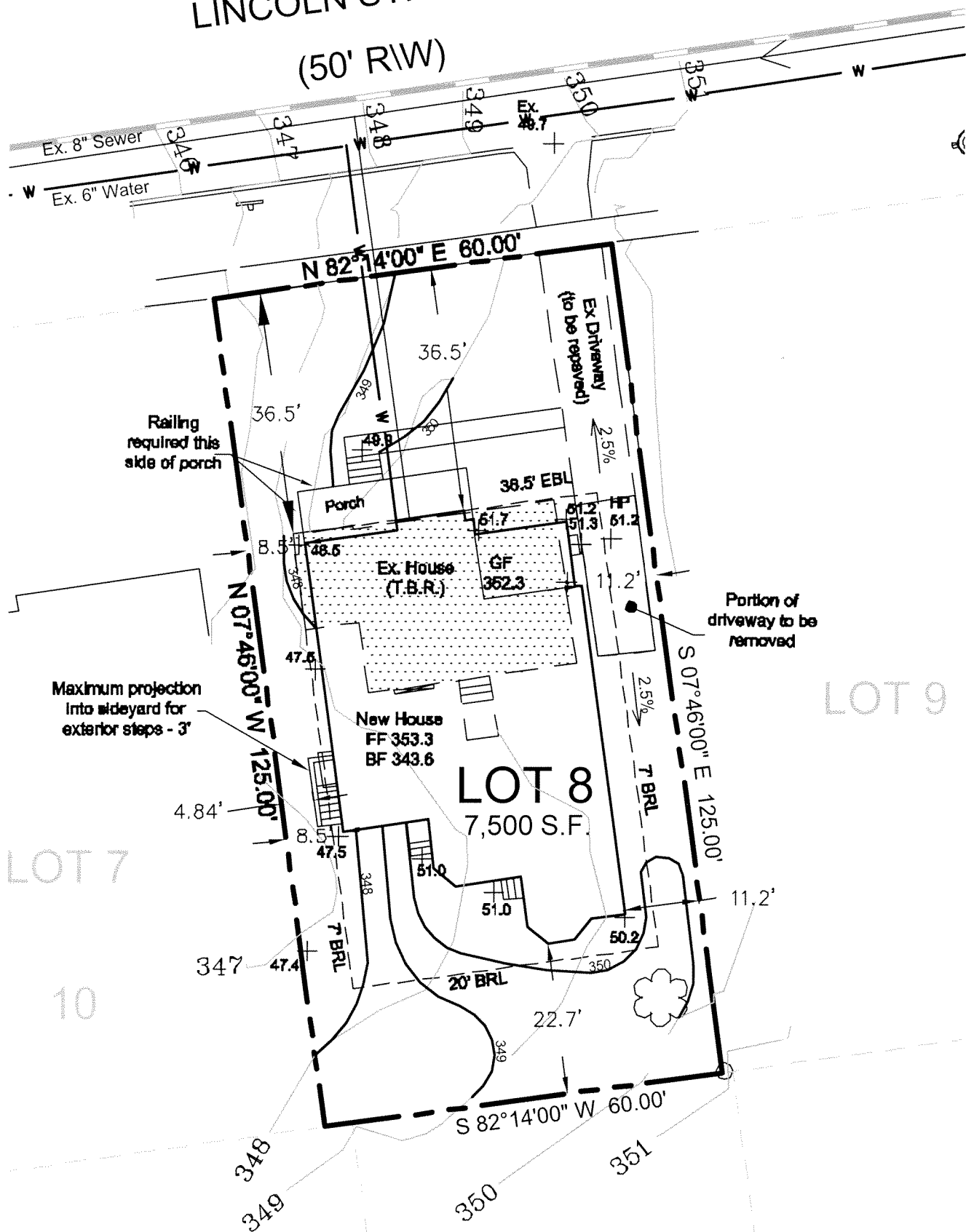
In Testimony Whereof I have affixed my official seal this 12th day of December A.D. 19 54.



W. Montgomery Beutlerbaugh
Notary Public, Md.

A-2,7

LINCOLN STREET I (50' RIW)



LOT 9

LOT 7

10

January 1947

Plat 1890

PLAT No1890

LOTS 12-25 BLOCK 10
LOTS 12-25 BLOCK 14
HUNTINGTON TERRACE
MONTGOMERY COUNTY, MD.

Scale: 1"=100'
December, 1946
Maddox & Hopkins
Civil Engineers
Silver Spring, Md.

OWNERS DEDICATION

We, Norman King Whalen, Elizabeth S. Whalen, his wife, Edith Gittings Whalen, widow, and R. M. Best Incorporated, a Maryland Corporation, by Robert H. Best, President and Arthur F. Carmi, its Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets to public use.

There are no subs of action, leases, liens or trust on the property shown in this plan of subdivision.

Witness:

Norman King Whalen
Elizabeth S. Whalen
Edith Gittings Whalen
R. M. Best Incorporated

Date: January 22, 1947

Arthur F. Carmi
Robert H. Best, President

By:

Arthur F. Carmi
Robert H. Best, President

Date: Jan. 22, 1947

Arthur F. Carmi
Robert H. Best, President

We assent to this plan of subdivision

The Clerk of Bethesda

Arthur F. Carmi
Robert H. Best, President

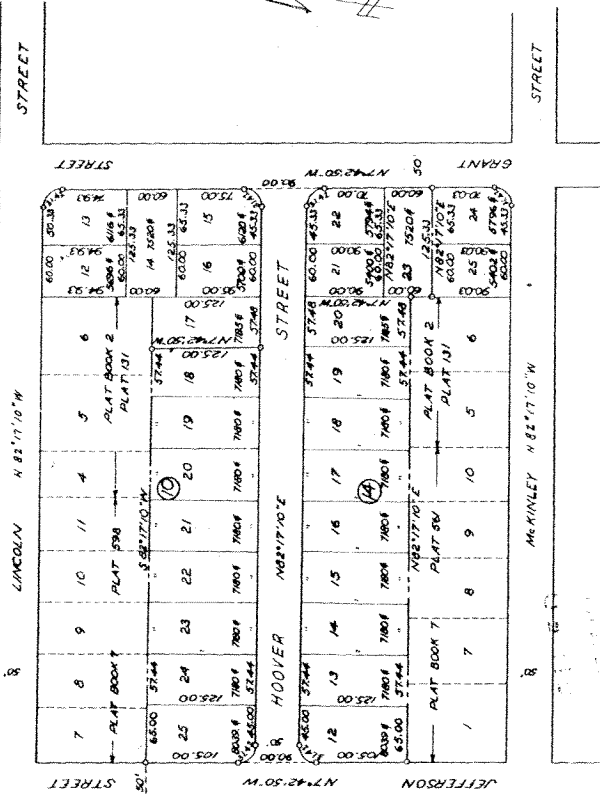
ENGINEERS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of all the lands conveyed by Norman King Whalen, Elizabeth S. Whalen, his wife, and Edith Gittings Whalen, widow, to Robert H. Best Incorporated, by deed dated October 17, 1946 and recorded in Liber of Falls, and also a part of the lands conveyed by Grace L. Fisher to Norman K. Whalen and Edith Gittings Whalen by deed dated December 31, 1935 and recorded in Liber of Falls of 1936, 27, both among the land records of Montgomery County, Md., and that iron pipes marked thereon and stones marked thereon are in place as shown.

Date: January 18, 1947

By: *Arthur F. Carmi*
ARTHUR F. CARMY

| Sta | Lot | Rad | Arc | Chord |
|-----|-----|------|------------|-------|
| 10 | 13 | 2.00 | 30.70 00 | 41.42 |
| 11 | 15 | 2.00 | 37.17 10 W | 28.38 |
| 12 | 25 | 2.00 | 33.42 50 W | 24.88 |
| 13 | 25 | 2.00 | 37.17 10 E | 28.38 |
| 14 | 25 | 2.00 | 33.42 50 E | 24.88 |
| 15 | 25 | 2.00 | 37.17 10 W | 28.38 |



APPROVED: JANUARY 22, 1947
Arthur F. Carmi
 Arthur F. Carmy
 CIVIL ENGINEER
 MONTGOMERY COUNTY, MD.

MARY AND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 APPROVED: FEB. 3, 1947
 SUITABLE FOR WATER AND SEWER DESIGN
 WITHOUT COMMITMENT AS TO INSTALLATION
Arthur F. Carmi
 CIVIL ENGINEER

MARY AND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 APPROVED: FEB. 3, 1947
 SUITABLE FOR WATER AND SEWER DESIGN
 WITHOUT COMMITMENT AS TO INSTALLATION
Arthur F. Carmi
 CIVIL ENGINEER

M.N.C.P.P.C. RECORD FILE NO. 13-2095

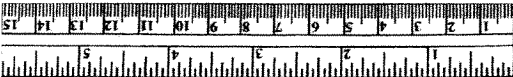


EXHIBIT 7

A-2,14

AUG 15, 1910

PLAT 131

131

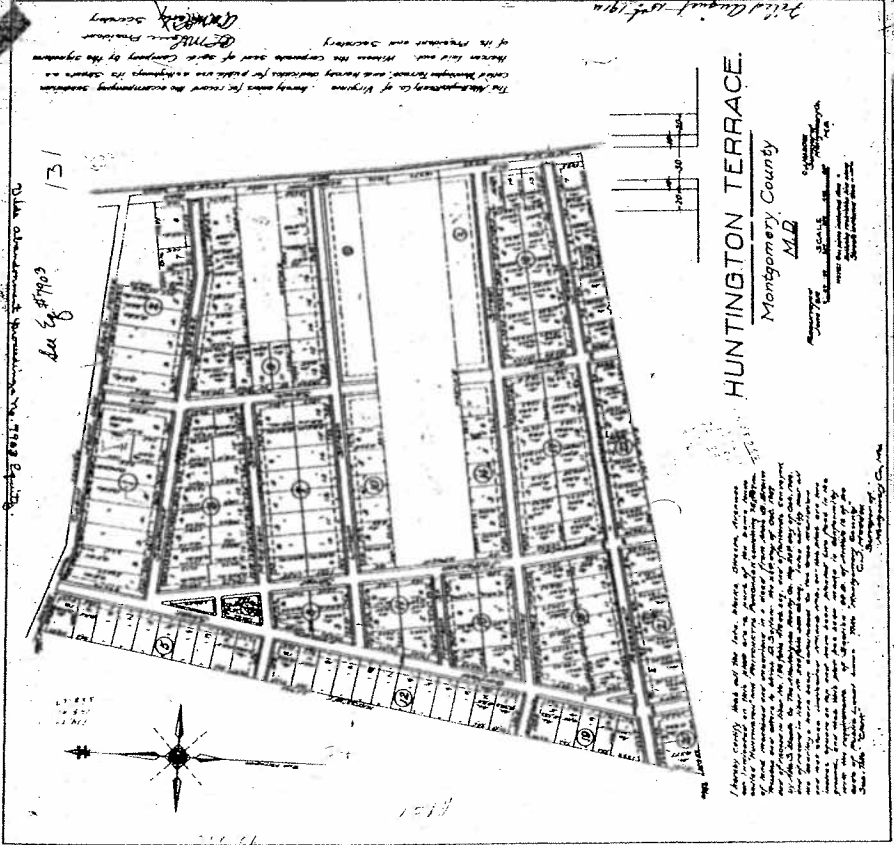


EXHIBIT 8

A-2, 12

| | |
|--|---|
| Maryland Department of Assessments and Taxation Real Property Data Search (vw2.2A) MONTGOMERY COUNTY | Go Back View Map New Search GroundRent Redemption GroundRent Registration |
|--|---|

Account Identifier: District - 07 Account Number - 00513284

Owner Information

| | | | |
|-------------------------|--------------------------------------|-----------------------------|------------------------|
| Owner Name: | DAVIES JAY W & S J V | Use: | RESIDENTIAL |
| | | Principal Residence: | YES |
| Mailing Address: | 5522 LINCOLN ST BETHESDA MD 20817 | Deed Reference: | 1) /07809/ 00303 2) |

Location & Structure Information

| | |
|--|--------------------------|
| Premises Address | Legal Description |
| 5522 LINCOLN ST BETHESDA 20817-0000 | HUNTINGTON TERRACE |

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No: Plat Ref: |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------------|
| HN13 | 0000 | 0000 | | 0032 | | 10 | 7 | 1 | |

| | | |
|--------------------------|-------------------|------|
| Special Tax Areas | Town | NONE |
| | Ad Valorem | |
| | Tax Class | 38 |

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1938 | 1,932 SF | 7,595 SF | 111 |

| | | | |
|----------------|-----------------|-------------------------------|-----------------|
| Stories | Basement | Type | Exterior |
| 2.000000 | YES | STANDARD UNIT 1/2 BRICK FRAME | |

Value Information

| | Base Value | Value | | |
|---------------------------|------------|------------|----------------------|------------|
| | | As Of | Phase-in Assessments | |
| | | 01/01/2010 | 07/01/2011 | 07/01/2012 |
| Land | 539,720 | 416,300 | | |
| Improvements: | 259,790 | 252,800 | | |
| Total: | 799,510 | 669,100 | 669,100 | 669,100 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | | | | |
|----------------|----------------------|---------------|---------------|---------------|-----------|
| Seller: | | Date: | 07/16/1987 | Price: | \$157,000 |
| Type: | ARMS LENGTH IMPROVED | Deed1: | /07809/ 00303 | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | Deed2: | |

Exemption Information

| Partial Exempt Assessments | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|-------|------------|------------|
| County | 000 | 0.00 | 0.00 |
| State | 000 | 0.00 | 0.00 |
| Municipal | 000 | 0.00 | 0.00 |

| | | |
|----------------------|--|-------------------------------|
| Tax Exempt: | | Special Tax Recapture: |
| Exempt Class: | | |

EXHIBIT 9



DPS/Application Details

Status
**Building Residential
Application Details**

Permit/License: 494363

[Help](#)

Permit Number 494363
 Application Date 08/28/2008
 Issue Date 10/02/2008
 Final Date 03/26/2009
 Work Type Construct - Single Family Dwelling
 Square Footage 5100
 Value \$250,000.00

Site Address
 5514 Lincoln ST
 Bethesda
 MD 20817-3724
Lot 11 Block 10
Subdiv. Huntington Terrace
Application Status
 Finaled

Contractors

| ID | Name | Address |
|--------|----------------------------|---|
| BC3853 | Castlewood Consulting, Llc | 4825 Bethesda Avenue, Suite 306 Bethesda Md 20814- |

Licenses

| Contractor | License | Name | Address |
|------------|---------|------|---|
| BC3853 | BC3853 | Wood | 4825 Bethesda Avenue Suite 306 Bethesda Md 20814 |

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EXHIBIT 10



DPS/Application Details

Reviews

Building Residential

Permit/License: 494363

Reviews

[Review Agencies](#)
[Help](#)

| <u>Description</u> ↑ | <u>Status</u> | <u>Reviewer</u> | <u>Start Date</u> | <u>Complete Date</u> |
|--------------------------------|---------------|-----------------|-------------------|----------------------|
| (Stormwater Requirements Met?) | Approved | Joe Kozlowski | 08/28/2008 | 10/02/2008 |
| Architectural | Approved | David Ferro | 09/02/2008 | 09/03/2008 |
| Architectural Screening | Approved | Michael Adu | 08/28/2008 | 08/28/2008 |
| Dps Site Review | Approved | Leonard Woods | 08/28/2008 | 08/28/2008 |
| Dps Zoning Review | Approved | Robin Ferro | 09/02/2008 | 09/02/2008 |
| Drainage Review | Approved | David Ferro | 09/05/2008 | 09/05/2008 |
| Drainage Review To Row Team | Waived | Hyungsun Kim | 09/08/2008 | 09/08/2008 |
| Maryland Park & Planning | Approved | Wayne Cornelius | 09/08/2008 | 09/08/2008 |
| Mhic License Review | Approved | Leonard Woods | 08/28/2008 | 08/28/2008 |
| Sediment Control No. Required | Approved | Joe Kozlowski | 08/28/2008 | 10/02/2008 |
| Structural | Approved | David Ferro | 09/03/2008 | 09/05/2008 |
| Subdivision Development Review | Approved | Tzu-Huei Adams | 10/02/2008 | 10/02/2008 |
| Wash Suburb Sanitation Commsn | Approved | Yvette Cooper | 08/28/2008 | 10/02/2008 |

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MC Department of Permitting Services

255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166
(240)777-6300 Fax (240)777-6262

Building Review Detail

Report Date 10/17/2011 03:09 PM

Submitted By

Page 1

Act # 8102910 A/P # 494363 Act Type MNCPPC MARYLAND PARK & PLANNING

Property Information

Address 5514 LINCOLN ST
BETHESDA MD 20817-3724

Location

Application Information

Type BUILDING BUILDING RESIDENTIAL PERMIT Priority Type of Work CONST Dept of Commerce
Square Footage 5100.00 Declared Valuation 250000.00 A/P Name DOUGLAS TODD WOOD
Desc of Work Demo/Rebuild

Initial Review

Issued Date/Time 08/28/2008 12:18 Issued By WOODS System Generated
Department Assigned To Waived

Review Results

Reviewed By CORNE Approved Suspense Date
Start Date/Time 09/08/2008 14:43 Completed Date/Time 09/08/2008 14:44 Actual Time 0.00

Comments

No Comments

Activity Review Details

Detail IMPACT AREA ZONING DETAILS Modified By WOODS Modified Date/Time 08/28/2008 12:17

Comments

No Comments

Custom

NEW Impact Area 25 (after 3/1/04)

Impact Area (ONLY FOR APPS BEFORE 3/1/04)

Site: DPS
 MNCPPC

Detail SITE PLAN ENFORCEMENT Modified By BURGE Modified Date/Time 01/21/2009 13:25

Comments

No Comments

A-3,1

MC Department of Permitting Services

255 Rockville Pike, 2nd Floor
 Rockville, MD 20850-4166
 (240)777-6300 Fax (240)777-6262

Building Review Detail

Report Date 10/17/2011 03:09 PM

Submitted By

Page 2

SPE

| | | | | |
|-----------------|---|---------------------------------|---|------------------|
| Zoning | R-60 | Sheet | NEW Impact 25 | (after 3/1/04) |
| Site Approval | <input checked="" type="checkbox"/> DPS | <input type="checkbox"/> MNCPPC | Impact Area (ONLY FOR APPS BEFORE 3/1/04) | |
| | | | | Field |
| | Required | Approved | Measurement | |
| Parking | 0 | 0.00 | 0.00 | |
| FAR% | 0.00 | 0.00 | 0.00 | |
| Building Height | 35.00 | 34.66 | 34.53 | |
| Stories | 2.50 | 2.50 | 0.00 | |
| BOA SE or V | | | | |
| % Green Space | 0.00 | 0.00 | 0.00 | |
| % Lot Coverage | 35.00 | 24.98 | 0.00 | |
| Setbacks | | | | |
| Front | 25.00 | 33.50 | 33.40 | |
| Rear | 20.00 | 54.00 | 0.00 | |
| Left | 7.00 | 7.20 | 7.10 | |
| Right | 7.00 | 7.20 | 7.30 | |

Zoning Use Category ebl 33/ht to mean 28.33'

Detail ZONING REVIEW

Modified By RUSSO

Modified Date/Time 09/02/2008 09:41

Comments

No Comments

Zoning

| | | | | |
|--------------------|---|---------------------------------|---|---------------------------------|
| Zoning | R-60 | Sheet | NEW Impact 25 | (after 3/1/04) |
| Site Approval | <input checked="" type="checkbox"/> DPS | <input type="checkbox"/> MNCPPC | Impact Area (ONLY FOR APPS BEFORE 3/1/04) | |
| Lot Size (Sq. Ft.) | 0 | | | <input type="checkbox"/> Infill |
| | | Building Coverage (Sq. Ft.) | 0 | |
| | Required | Approved | Field Measurement | |
| Parking | 0 | 0 | 0 | |
| FAR% | 0.00 | 0.00 | 0.00 | |
| Building Height | 35.00 | 34.66 | 34.53 | |
| Stories | 2.50 | 2.50 | 0.00 | |
| BOA SE or V | | | | |
| % Green Space | 0.00 | 0.00 | 0.00 | |
| % Lot Coverage | 35.00 | 24.98 | 0.00 | |
| Setbacks | | | | |
| Front | 25.00 | 33.50 | 33.40 | |
| Rear | 20.00 | 54.00 | 0.00 | |
| Left | 7.00 | 7.20 | 7.10 | |
| Right | 7.00 | 7.20 | 7.30 | |

Zoning Use Category ebl 33/ht to mean 28.33'

A-3,2



a 501(c)(3) non-profit corporation

September 1, 2011

Board of Directors

Mr. Kenneth Ramirez & Vera Ashworth
5520 Lincoln Street
Bethesda, Maryland 20817

James Strott
President

Kenneth & Vera,

Matt Gurzynski
Vice President

Thank you for donating the improvements at 5520 Lincoln Street for our training programs.

Paul Lobo
Treasurer

As you are aware, Second Chance, Inc. provides job training and workforce development opportunities in the areas of architectural salvage and deconstruction. Your project offers an excellent opportunity to further these goals. We very much appreciate your commitment of \$ 20,000.00 to our organization, in addition to your donation of the structures, contents and landscaping surrounding the structure.

Richard Bradley
Secretary

Per our mutual understanding, you will honor your pledge of \$ 20,000.00 on or before December 1, 2011. Second Chance relies on these pledges to help offset the costs associated with mobilizing and executing our program at your site.

Mark Lavelle

Scott Stevens

We acknowledge that you will receive no goods or services in exchange for your donation. The sole benefit from your gift is the knowledge that you're helping Second Chance create jobs, reduce waste, and preserve the regions architectural heritage. Please sign below to acknowledge that you agree to this format and return one copy to Second Chance.

Andrew Todtz

David Epstein

Thank you for moving forward with this program. It is through efforts like yours that very positive outcomes for society at large can result from the need, although tragic, to remove historic structures from the landscape.

Mark S. Foster
Chief Executive Officer

Sincerely,

Accepted:

Date:

SEPT 1, 2011

Mark S. Foster
Executive Director