

November 18, 2005

Barbara A. Sears
301.961.5157
bsears@linowes-law.com

The Honorable Derick P. Berlage
Chairman, and Members of the
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Clarksburg Town Center - Alleged Site Plan Violations – Porten Homes

Dear Chairman Berlage and Members of the Planning Board:

On behalf of Porten Homes, PCI Clarksburg I, LLC, PCI Clarksburg II, LLC and PCI Clarksburg III, LLC (collectively, "Porten"), this letter responds to the allegations of violations set forth by Clarksburg Town Center Advisory Committee ("CTCAC"). These allegations assert three violations of rear yard setbacks for the following lots: Lot 15, Block A, Clarksburg Town Center (Plat 20995), Lot 70, Block A, Clarksburg Town Center (Plat 22634), and Lot 73, Block A, Clarksburg Town Center (Plat 22634). Initially, we note that all of these lots are single-family detached lots and were platted at the time of purchase by Porten. Copies of these plats are attached as Exhibit "A-1" and "A-2", respectively. Porten made no revisions to these plats or to any site plans subsequent to its purchase. For each lot, Porten obtained building permits (as more fully described below), constructed single-family homes, and sold those homes to third-party buyers.

As to the specific allegations of rear yard setback violations, Porten states as follows:

- Lot 15, Block A was built in accordance with Site Plan 8-98001-A (part of Phase IB – Part 1), signed by Wynn Witthans on October 23, 2001, and is alleged by CTCAC to have only a 16.5' setback. As shown on the attached house location survey certified by a professional land surveyor (Exhibit "B"), the rear yard setback is 25' 6" in conformance with the rear yard setback requirement of 25'.
- Lot 70, Block A was built pursuant to Site Plan 8-02014, signed by Richard Hawthorne on October 14, 2004, and is located at 23838 Burdette Forest Road. CTCAC alleges that it has a rear yard setback of 23.5' in violation of the rear yard setback of 25'. In

The Honorable Derick P. Berlage
and Members of the Montgomery
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accordance with the attached house location survey for this lot, certified by a professional land surveyor (Exhibit "C"), the rear lot setback is 45' in conformance with the 25' rear yard setback requirement.

- Lot 73, Block A, 23844 Burdette Forest Road, is alleged by CTCAC to have a 23' 7" rear yard setback. This lot has been constructed pursuant to Site Plan 8-02014, signed by Richard Hawthorne on October 14, 2004. Pursuant to the attached house location survey, certified by a professional land surveyor (Exhibit "D"), the rear yard setback is 57' in compliance with the 25' rear yard requirement.

Lot 15, Block A, Clarksburg Town Center, was purchased by Porten on December 18, 2001. Lots 70 and 73, Block A, Clarksburg Town Center, were purchased by Porten on July 24, 2004. Copies of the building permits or other evidence thereof for these lots, approved by Montgomery County and signed off on by Park and Planning, are also attached as Exhibit "E".

Further, Porten notes that the plats for Lots 29-34, Block R, Clarksburg Town Center, also purchased by Porten, were revised by Terrabrook prior to Porten purchasing the lots. Porten purchased only finished and platted lots from Terrabrook. The revised Plat No. 22907 (Exhibit "F") for these lots was recorded on July 9, 2004. Porten purchased these lots on August 12, 2004 and has constructed homes and conveyed these improved lots to third-party purchasers since that date.

Lots 1 and 18, Block R, Clarksburg Town Center (Plat 22633, attached as Exhibit "G"), were found to have side yard violations by the Planning Board during the July 7, 2004 hearing. Each of these homes was built in the same location as shown on Site Plan 8-02014 signed by Richard Hawthorne on October 14, 2001. This resulted in a 7' side yard setback in accordance with the 5' side yard shown on Site Plan 8-02014. Based upon the full record that has been made in these proceedings, Porten respectfully requests reconsideration of the prior ruling of side yard setback violation, and that no violations be found.

Additionally, Porten notes that building permits for all homes referenced above were duly issued by the County and approved by the Planning Board for issuance. The homes were built and sold to third parties. All actions of Porten were taken in good faith and in reliance on Planning Board approvals. Porten has expended substantial funds in reliance on Planning Board actions and approvals. Under the circumstances, the Planning Board may not lawfully disavow these actions and approvals or find Porten to be in violation of the applicable Site

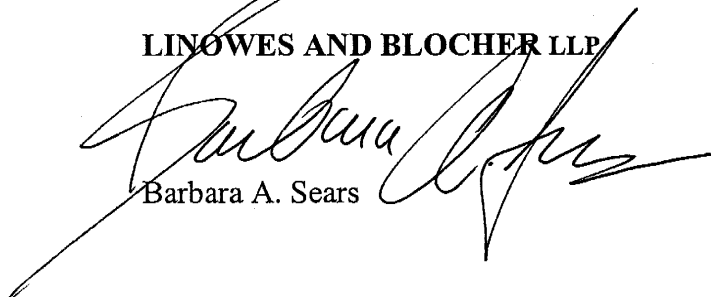
The Honorable Derick P. Berlage
and Members of the Montgomery
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Page 3

Plans or other approvals. In this regard, Porten incorporates by reference the legal points and authorities asserted by Bozzuto Homes in its record submission on November 18, 2005, on delegation by the Planning Board to Staff, estoppel, vested rights, administrative finality, retroactive application of administrative rules without proper notice, and due process, and requests that all charges of violations be dismissed.

Thank you for your attention to this matter.

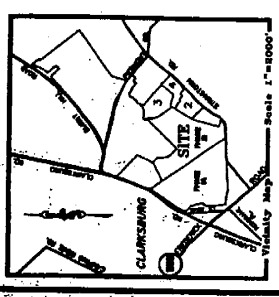
Very truly yours,

LINOWES AND BLOCHER LLP

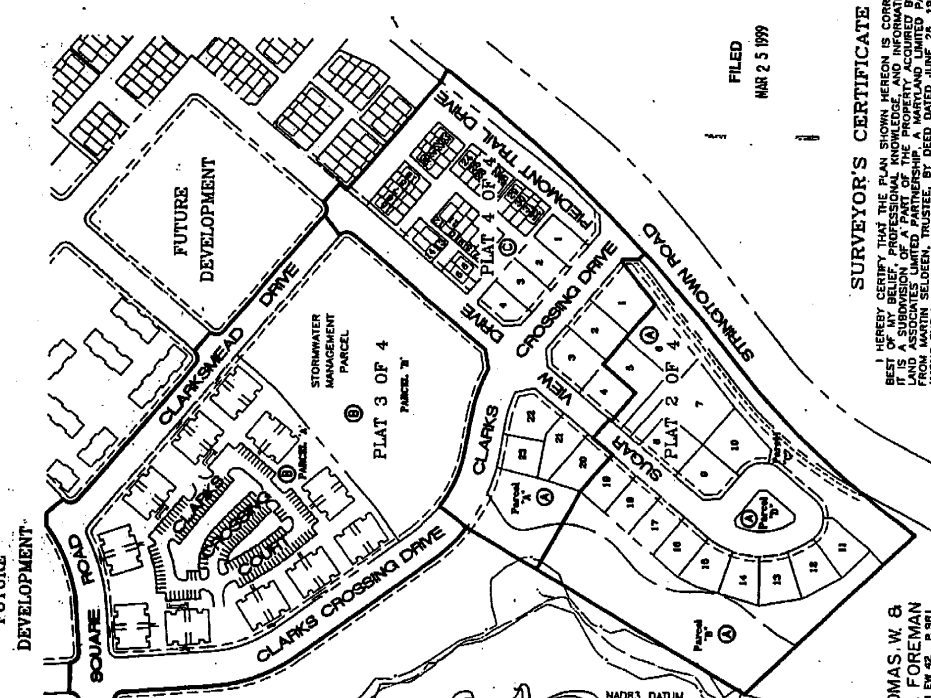

Barbara A. Sears

Enclosures

cc: Ms. Nanci Porten
Mr. Ray Sobrino
Mr. William Mooney
Ms. Rose Krasnow
Michele Rosenfeld, Esq.
Timothy Dugan, Esq.
Kevin Kennedy, Esq.
Robert Brewer, Esq.
David Brown, Esq.
Stephen Kaufman, Esq.
Todd Brown, Esq.
Scott Wallace, Esq.



PLAT NO 2095



- NOTES:**
1. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND RESTRICTIONS OF THE PROPERTY, APPROVED BY THE BOARD AND NOT BE EXTENDING BEYOND THE BOUNDARIES OF THIS PLAT, UNLESS EXPRESSLY CONTAINED BY ANY SUCH PLANS AND SPECIFICATIONS, SHALL BE DEEMED TO BE A PART OF THIS PLAT AND SHALL BE ENFORCEABLE BY THE BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
 2. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE CONSERVATION LAW OF MONTGOMERY COUNTY, MARYLAND, AND THE FINAL FOREST CONSERVATION PLAN AND APPROPRIATE PERMITS AND REGULATIONS OF THE MONTGOMERY COUNTY DEPARTMENT OF PERMITS AND REGULATIONS, 1878 GEORGIA AVENUE, SILVER SPRING, MARYLAND.
 3. THE SURVEY HEREON FOR THIS DEVELOPMENT IS REFERENCED TO THE 1983 ADJUSTMENT OF THE NORTH AMERICAN GRID FOR THE STATE OF MARYLAND.
 4. THIS DEVELOPMENT COMPLIES WITH CHAPTER 25-A OF THE MONTGOMERY COUNTY CODE TO PROVIDE 40 OF THE SHOWN DEVELOPING UNITS (UPRUS) FOR PARCEL 'A', BLOCK 'B', PLAT '3' OF '4' UNITS.
 5. THIS DEVELOPMENT IS SUBJECT TO A SITE PLAN FILE NUMBER 9-39001, PURSUANT TO M-10-8-APC.
 6. AN AGREEMENT WITH THE MONTGOMERY COUNTY FACILITIES BOARD REGARDING ADEQUATE PUBLIC UTILITIES AND SEWER SYSTEMS ONE.
 7. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONE.
 8. THIS LAND IS ZONED 'RM' AND IS BEING DEVELOPED UNDER THE PROVISIONS OF SECTION 20-202.15 OF THE MONTGOMERY COUNTY ZONING ORDINANCE.
 9. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO BE A SUBDIVISION OF THE PROPERTY, AND/OR USE, NOR EVERY MATTER RESTRICTING THE INTEREST AND/OR USE OF THIS PROPERTY, THIS PLAT, SHALL BE DEEMED TO BE A PART OF THIS PLAT OR REPLACE ALL MATTER AFFECTING TITLE.
 10. VEHICULAR ACCESS TO STRAIGHTON ROAD IS DENIED, EXCEPT AT THE LOCATIONS APPROVED BY THE DEPARTMENT OF PERMITTING SERVICES.

THOMAS W. &
H.R. FOREMAN
TM EW 42 P.891
L.3142 P.158

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY ADOPT THE MINIMUM BUILDING RESTRICTIONS OF OUR (O) SHEETS, ESTABLISH THE USE, AND GRANT TO MONTGOMERY COUNTY, MARYLAND, STATE EASEMENTS, PARALLEL, CONTIGUOUS AND CONCURRENT SHOWN OTHERWISE HEREON, ADJACENT, SLOPE EASEMENTS, SHALL BE AUTOMATICALLY EXTINGUISHED AFTER ALL PUBLIC HAS BEEN ACCEPTEED FOR MATTER, HAVE BEEN LAWFULLY COMPLETED AND OR OTHER APPROPRIATE PUBLIC AGENCY, BY MONTGOMERY COUNTY, MARYLAND OR SUCCESSORS AND/OR ASSIGNS, PUBLIC MONTGOMERY COUNTY, MARYLAND, THEIR DESIGNATED ON THE SHEETS OF THE ATTACHED PLATS, AS SET FORTH IN LIBER 3854 AT FOLD 314, WITH SAID TERMS AND PROVISIONS OF SUCH LIBER 3854 AT FOLD 314, AND THE RESTRICTIONS AND PROVISIONS FOUND ALONG STRAIGHTON ROAD, TO THE PARTIES NAMED IN THAT CERTAIN DOCUMENT RECORDED ALONG WITH THE RECORDS OF PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON, AS PER THAT CERTAIN DOCUMENT RECORDED ALONG WITH THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 13176 AT FOLD 412.

WE FURTHER GRANT A PUBLIC UTILITY EASEMENT, SHOWN HEREON AS P.U.E. ALONG STRAIGHTON ROAD, TO THE PARTIES NAMED IN THAT CERTAIN DOCUMENT RECORDED ALONG WITH THE RECORDS OF PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON, AS PER THAT CERTAIN DOCUMENT RECORDED ALONG WITH THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 3854 AT FOLD 314.

WE FURTHER ESTABLISH THE LIMITS OF THE INGRESS/EGRESS EASEMENT AS SHOWN HEREON, AS PER THAT CERTAIN DOCUMENT RECORDED ALONG WITH THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 13176 AT FOLD 412.

OUR SUCCESSORS AND ASSIGNS SHALL CAUSE PROPERTY CORNER MARKERS TO BE SET, AND WE SHALL AS SURVEYOR OF THE STATE OF MARYLAND, IN ACCORDANCE WITH SECTION 20-202.15 OF THE MONTGOMERY COUNTY CODE, ON THIS PROPERTY EXCEPT CERTAIN DEED, LOAN, LEASE OR TRUSTS INTEREST HERETO HAVING INDICATED THERE ASSET BELOW.

CLARKSBURG LAND ASSOCIATES LIMITED PARTNERSHIP
SUMNER CLARKSBURG LIMITED PARTNERSHIP
MONTGOMERY LIMITED PARTNERSHIP, GENERAL PARTNER

WE HEREBY ASSET TO OUR JOINT IN THIS PLAN OF SUBDIVISION AS SET FORTH ON SHEET ONE OF FOUR, HEREBY:

WITNESSES: *Christina Haggis* 11/23/98 DATE BY *Steven M. Nicholson* GENERAL PARTNER
Scott C. Nicholson BY *Scott C. Nicholson*
Scott C. Nicholson BY *Scott C. Nicholson*
Scott C. Nicholson BY *Scott C. Nicholson*

FILED
MAR 2 5 1999

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND INFORMATION AND THAT IT IS A SUBDIVISION OF A PART OF THE MONTGOMERY COUNTY, MARYLAND LAND ASSOCIATES LIMITED PARTNERSHIP, A MONTGOMERY COUNTY, MARYLAND, PARCEL, AS SHOWN ON THE RECORDS OF MONTGOMERY COUNTY, MARYLAND, AT FOLD 314, AND RECORDED AT FOLD 314. I FURTHER CERTIFY THAT ALL PROPERTY CORNERS WILL BE SET AS DELINEATED ON THE ACCOMPANYING SURVEYOR'S FIELD NOTES, SECTION 50-21(2)(3) OF THE MONTGOMERY COUNTY CODE. THE TOTAL AREA OF THE SUBDIVISION IS 1.156-563.27 SQUARE FEET OR 26.55 ACRES OF WHICH 4.22 SQUARE FEET OR 0.096 ACRES OF LAND IS HEREBY DEDICATED TO PUBLIC USE.

4/20/99 DATE
 P. J. PETERSON
 PETER J. PETERSON
 MD REG. NUMBER 10118

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY.
 THE AGENCY AND AVAILABILITY OF PUBLIC UTILITIES, WATER AND SEWER SYSTEMS, IS THE RESPONSIBILITY OF THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES.

APPROVED: *[Signature]* DIRECTOR

RECORDED: 2-99125 PRELIMINARY PLAN # 1-25042 SITE PLAN # 8-99001 PROJECT # 9-99004 P.L.A. # 79,011,028

PLAT NO. _____

APPROVED: *[Signature]* DIRECTOR

RECORDED: 2-99125 PRELIMINARY PLAN # 1-25042 SITE PLAN # 8-99001 PROJECT # 9-99004 P.L.A. # 79,011,028

LOT 1 THRU 23, PARCELS 'A' THRU 'D', BLOCK 'A'
 PARCELS 'A' AND 'B', BLOCK 'B' AND
 CLARKSBURG TOWN CENTER
 TAX MAP EW42 PARCEL 600
 CLARKSBURG (2960) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1"=50' NOVEMBER 1998

MDR 55W149 - 7908 - 1
 SHEET 1 OF 4
 SCALE: 1"=50'
 DATE: 11/23/98

1
2
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15

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY CERTIFY THAT THE SUBDIVISION RECORD PLAN, SUBDIVISION RECORD PLAN, SURVEYOR'S CERTIFICATE, MAP AND SLOPE CERTIFICATE, TO THE MOUNTAIN BALANCE RESTRICTION LAKES, ADJACENT TO CLARKSBURG TOWN CENTER, MONTGOMERY COUNTY, MARYLAND, IS CORRECT AND ACCURATE. WE HEREBY CERTIFY THAT WE HAVE COMPLETED ALL NECESSARY WORKING SURVEYS AND RECORDS FOR PUBLIC MAINTENANCE, GRANT PUBLIC UTILITY EASEMENTS SHOWN HEREON AND DESIGNATED THEREON, TO THE PARTICIPANTS AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT RESPECTIVE INSTRUMENTS, AND THAT WE HAVE BEEN ADVISED BY THE SURVEYOR THAT THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, IN LARL 3024 AT FOLD 457, WHICH SHOW THE SUBDIVISION RECORD PLAN, MAP AND SLOPE CERTIFICATE, ARE CORRECT AND ACCURATE AND AVAILABLE FOR REPRODUCTION OF ALL RECORDS, RECORDS, MAPS AND LOCAL GOVERNING AGENCIES.

WE HEREBY CERTIFY THAT THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON, IS THE TRUSTEE TO SET ALL PROPERTY OWNERS NAMED IN ACCORDANCE WITH SECTION 20-21 (c) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SALES, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT THAT CERTAIN DEED OR TRUST, AND THE PARTIES IN INTEREST HEREIN HAVE BELIEVED INDICATED THEIR ASSENT.

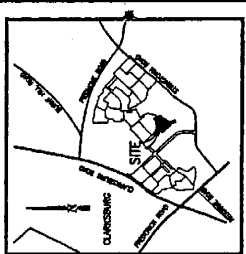
DATE 3-4-03
 [Signature]
 TRUSTEE

WE HEREBY ASSENT TO THIS SUBDIVISION RECORD PLAN
 DATE 3-4-03
 [Signature]
 BIRDIE M. FORD, TRUSTEE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF A PART OF THE PROPERTY ACQUIRED BY TERRACORP CLARKSBURG, LLC, A MARYLAND LIMITED LIABILITY COMPANY, FROM CLARKSBURG TOWN CENTER, MONTGOMERY COUNTY, MARYLAND, AND THAT THE SUBDIVISION RECORD PLAN, MAP AND SLOPE CERTIFICATE, TO THE MOUNTAIN BALANCE RESTRICTION LAKES, ADJACENT TO CLARKSBURG TOWN CENTER, MONTGOMERY COUNTY, MARYLAND, IS CORRECT AND ACCURATE. I HEREBY CERTIFY THAT I HAVE COMPLETED ALL NECESSARY WORKING SURVEYS AND RECORDS FOR PUBLIC MAINTENANCE, GRANT PUBLIC UTILITY EASEMENTS SHOWN HEREON AND DESIGNATED THEREON, TO THE PARTICIPANTS AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT RESPECTIVE INSTRUMENTS, AND THAT I HAVE BEEN ADVISED BY THE SURVEYOR THAT THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, IN LARL 3024 AT FOLD 457, WHICH SHOW THE SUBDIVISION RECORD PLAN, MAP AND SLOPE CERTIFICATE, ARE CORRECT AND ACCURATE AND AVAILABLE FOR REPRODUCTION OF ALL RECORDS, RECORDS, MAPS AND LOCAL GOVERNING AGENCIES.

DATE 3-3-2003
 [Signature]
 PROFESSIONAL LAND SURVEYOR
 MONTGOMERY COUNTY, MARYLAND
 REG. NO. 20031

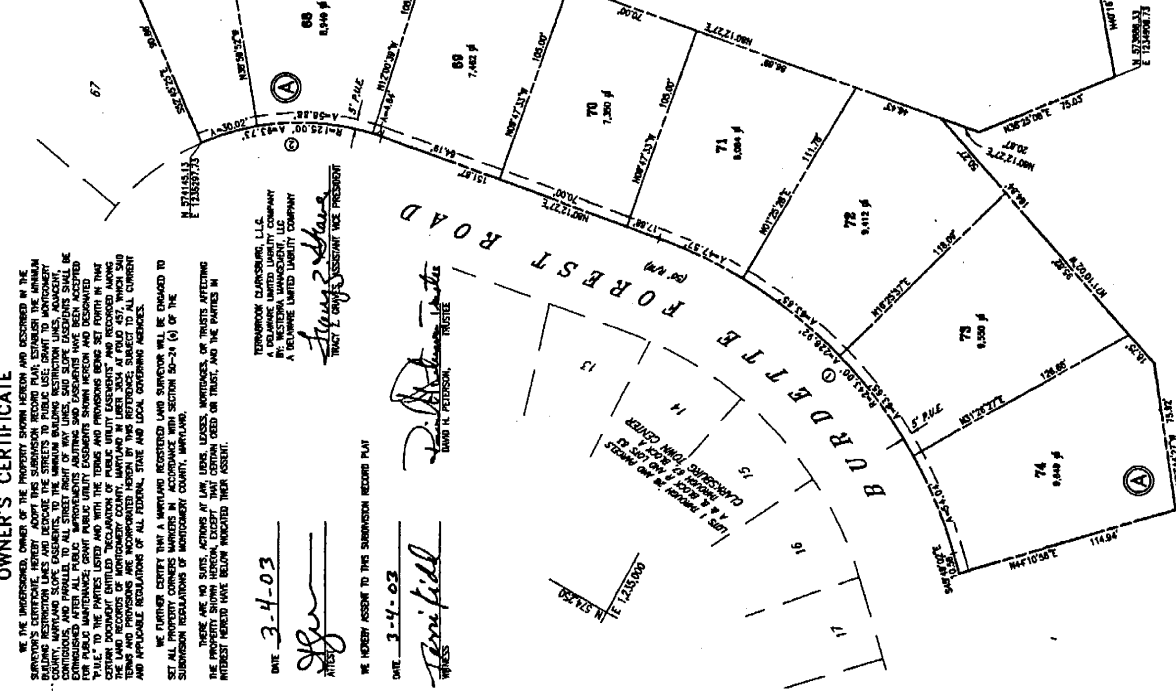
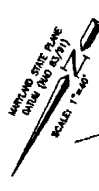


NOTES:

1. ALL THE TERMS, CONDITIONS, AGREEMENTS, AND REQUIREMENTS ACCORDING WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR ANY OTHER INSTRUMENTS, APPROVED BY THE MONTGOMERY COUNTY PLANNING COMMISSION, AND ALL THE TERMS, CONDITIONS, AGREEMENTS, AND REQUIREMENTS OF THIS PLAN, UNLESS EXPRESSLY CONTRADICTED BY THE PLAN AS APPROVED, SHALL BE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR REVIEW DURING NORMAL HOURS.
2. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING COMMISSION AND THE MONTGOMERY COUNTY PLANNING BOARD. THE FINAL PROPERTY CONVEYANCE PLAN AND APPROPRIATE ACCESSORIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL BE REVIEWED AND APPROVED BY THE PLANNING BOARD, 5000 GEORGE AVENUE, SILVER SPRING, MARYLAND.
3. THIS SUBDIVISION RECORD PLAN IS NOT INTENDED TO SHOW EVERY WATER AFFECTING THE PROPERTY SHOWN HEREON OR TO SHOW EVERY WATER AFFECTING THE USE OF THIS PROPERTY. THIS SUBDIVISION RECORD PLAN IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO AFFECT OR NOTE ALL MATTERS AFFECTING TITLE.
4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.
5. THIS LAND IS ZONED R-30 AND IS BEING REVIEWED UNDER THE PROVISIONS OF CHAPTER 20-2-10 OF THE MONTGOMERY COUNTY CODE.
6. THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADJACENT PUBLIC FACILITIES.
7. THE DEVELOPMENT IS SUBJECT TO A SITE PLAN EMPLOYMENT AGREEMENT PENDING WITH THE MONTGOMERY COUNTY PLANNING BOARD.
8. U.S.G.C. 200 SCALE REFERENCES: T30 NW 13.
9. PRELIMINARY PLAN NO. 1-40046.
10. PARCELS G, BLOCK A IS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.
11. PARCELS G, BLOCK A IS SUBJECT TO A DECLARATION OF COVENANTS FOR PRIVATE OPEN SPACE AND PRIVATE STORM DRAINS, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LARL 1501 AT FOLD 342.

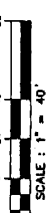
PROPERTY OF
 TERRACORP CLARKSBURG, LLC
 LARL 3024 FOLD 457

PARCEL G
 120,402 sq ft or 2.76 AC.
 FOR RESIDENTIAL
 HOMEOWNERS ASSOCIATION
 MANAGEMENT



SUBDIVISION RECORD PLAN
 LOTS 68 THROUGH 74
 AND PARCEL G, BLOCK A
**CLARKSBURG
 TOWN CENTER**
 CLARKSBURG (2ND) DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1"=40'
 DECEMBER, 2002

AREA TABULATION
 LOTS: 80,438 sq ft or 1.83 AC.
 PARCELS: 20,402 sq ft or 2.76 AC.
 STREETS: 160 STREET FRONTAGE
 TOTAL: 100,840 sq ft or 4.15 AC.



CURVE TABLE

CURVE	RADIUS	ARC	BEIT	INCHES	BEARING	CHORD
1	124.00	84.33	1.63534	41.9	324.216	91.5
2	124.00	84.33	1.63534	41.9	324.216	91.5

FILED
 JUL 23 2003
 Clerk of the Circuit Court
 Montgomery County, Md.



Charles F. Johnson & Associates, Inc.
 10000 WOODBURN ROAD
 CLARKSBURG, MARYLAND 21713
 (301) 251-1100

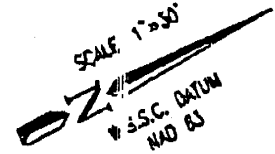
7 LOTS
 1 PARCEL
 TAX MAP EN

7-03212 IS SALES PHASED PROJECT ONLY
 MONTGOMERY COUNTY PLANNING COMMISSION
 DEPARTMENT OF PERMITTING
 SERVICES, MONTGOMERY COUNTY
 APPROVED: 6/3/03
 [Signature]
 DIRECTOR

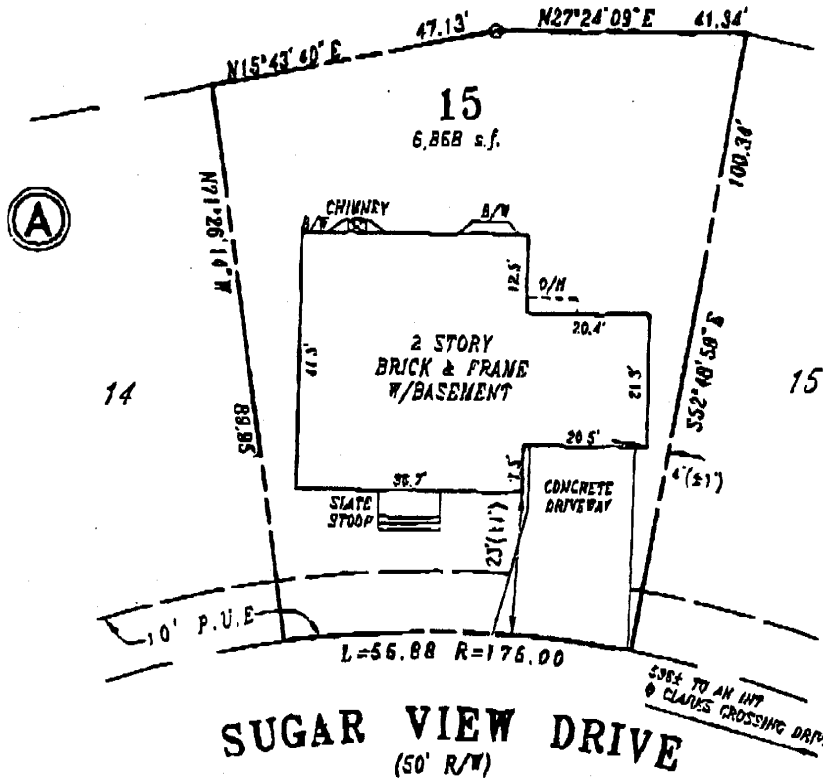
APPROVED: [Signature]
 SECRETARY-PRESIDENT
 MONTGOMERY COUNTY PLANNING COMMISSION
 UNCLERK Record File No. 631-56
 Filed: March 3, 2003

2-03212
 55331
 MSA 251149-284214
 621-56

LOCATION DRAWING
23508 SUGAR VIEW DRIVE
 LOT 15 BLOCK A
CLARKSBURG TOWN CENTER
 CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SCALE 1"=30'

 N.T.S.C. DATUM
 MAD 83

PARCEL B



NOTE: THIS SURVEY IS NOT VALID UNLESS IT CONTAINS A BLUE SURVEYORS SEAL.

* THE SUBJECT DWELLING DOES NOT LIE WITHIN A FLOOD HAZARD ZONE AS SHOWN ON HUD FLOOD INSURANCE STUDIES

FINAL SURVEY: 07/11/02
 FOUNDATION SURVEY: 03/15/02

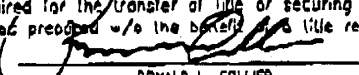
SLOPE EASEMENTS SHALL BE TERMINATED AFTER ALL PUBLIC IMPROVEMENTS ABUTTING SAID BASEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY, MARYLAND

PERMIT NUMBER: 255424

SURVEYORS CERTIFICATE

I hereby certify that the position of the existing improvements shown herein have been carefully established by accepted land surveying practices and that, unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared w/o the benefit of a title report.

3115-2002


 DONALD L. COLLIER
 PROFESSIONAL LAND SURVEYOR
 MD. No. 20214

CPJ
 Associates

Charles P. Johnson & Associates, Inc.
 PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS
 171 BELTON ROAD SUITE 500 SILVER SPRING, MARYLAND 20910
 PHONE: (301) 434-7000 FAX: (301) 434-2994
 FREDERICK, MD. PARAPAZ, VA.

REFERENCE	Drawn by	Checked by
Plot Book 192	REB	RLC
Plot No. 20996	Date 03/18/02	Record No. 21-121-88.15 (A)
	Scale 1"=30'	

Dwg: N:\29100\dwg\88-15A (ref:

Exhibit "B"

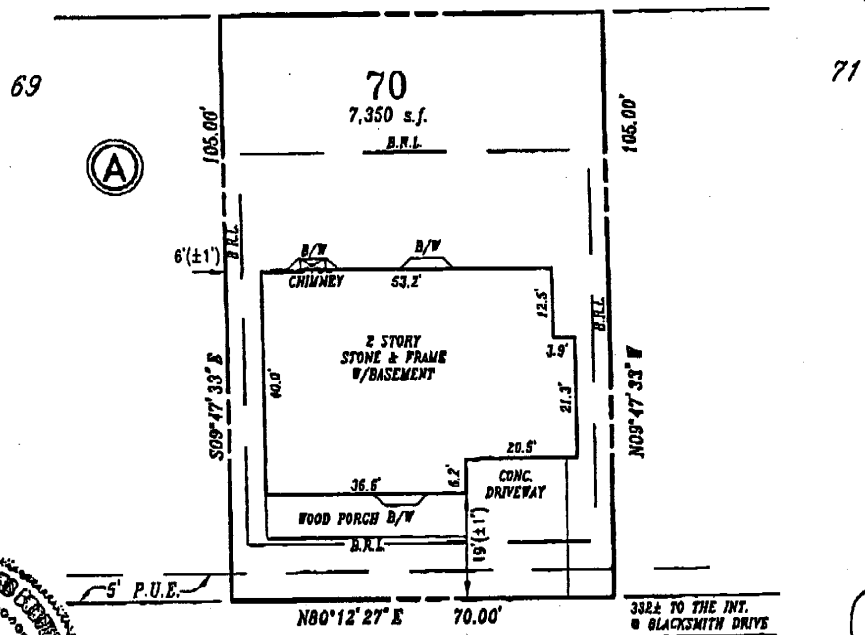
JENICA
12/22/04

LOCATION DRAWING
23838 BURDETTE FOREST ROAD
LOT 70, BLOCK A
CLARKSBURG TOWN CENTER
CLARKSBURG (2nd) ELECTION DISTRICT.
MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30'
N
MARYLAND STATE PLANE
DATUM (MD 63/91)

PARCEL 'C'

S80°12'27" W 70.00'



BURDETTE FOREST ROAD
(50' R/W)

BRL'S
FRONT: 10'
SIDE: 3'
REAR: 25'
ZONE: RMX



NOTE: THIS SURVEY IS NOT VALID UNLESS IT CONTAINS A BLUE SURVEYORS SEAL.
* THE SUBJECT DWELLING DOES NOT LIE WITHIN A FLOOD HAZARD ZONE AS SHOWN ON HUD FLOOD INSURANCE STUDIES
FINAL SURVEY: 12/10/04
FOUNDATION SURVEY: 09/03/04

SLOPE EASEMENTS SHALL BE TERMINATED AFTER ALL PUBLIC IMPROVEMENTS ABUTTING SAID EASEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY, MARYLAND

PERMIT NUMBER: 330349

SURVEYORS CERTIFICATE
I hereby certify that the position of the existing improvements shown hereon have been carefully established by accepted land surveying practices and that, unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared to the benefit of a title order.
9.3.2004
RONALD L. COLLIER
PROFESSIONAL LAND SURVEYOR
MD. No. 20014

CPI Associates Charles P. Johnson & Associates, Inc.
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
1751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903
Phone: 2011434-7000 E-mail: cjohn@cpia.com Fax: 2011434-1099
FREDERICK, MD FAIRFAX, VA

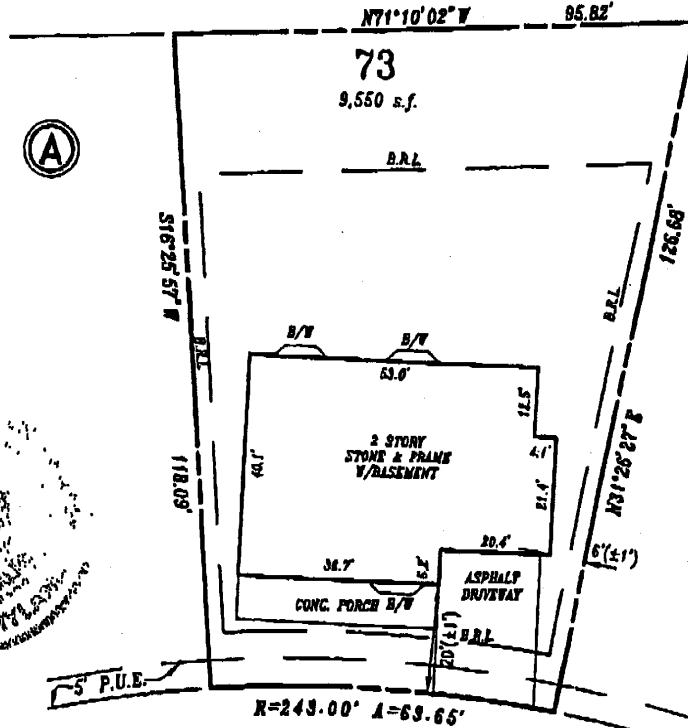
REFERENCE	Drawn by	Checked by
Plot Book N/A	IEI	RLC
Plot No. 22634	Date 09/08/04	Record No.
	Scale 1"=30'	29-121-88-70 (A)

Exhibit "C"

Dwg: N:\29100\dwg\88-70A.dwg Xref:

LOCATION DRAWING
 23844 BURDETTE FOREST ROAD
 LOT 73, BLOCK A
CLARKSBURG TOWN CENTER
 CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30'
 MARYLAND STATE PLUM
 BOARDS (NO. 65/91)



Handwritten signature and date: 11.9.2005

BURDETTE FOREST ROAD
 (50' R/W)

BRL'S
 FRONT: 10'
 SIDE: 3'
 REAR: 25'
 ZONE: RMX

NOTE: THIS SURVEY IS NOT VALID UNLESS IT CONTAINS A BLUE SURVEYORS SEAL

* THE SUBJECT DWELLING DOES NOT LIE WITHIN A FLOOD HAZARD ZONE AS SHOWN ON HUD FLOOD INSURANCE STUDIES

FINAL SURVEY: 01/04/05
 FOUNDATION SURVEY: 09/14/04

SLOPE EASEMENTS SHALL BE TERMINATED AFTER ALL PUBLIC IMPROVEMENTS ABUTTING SAID EASEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY, MARYLAND

PERMIT NUMBER: 330352

SURVEYORS CERTIFICATE
 I hereby certify that the position of the existing improvements shown hereon have been carefully established by accepted land surveying practices and that, unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared for the benefit of a title report.
 9.14.2004
 RONALD L. COLLIER
 PROFESSIONAL LAND SURVEYOR
 MD. No. 20014

CPI Associates Charles P. Johnson & Associates, Inc.
 PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
 1731 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20908
 Phone: 301-434-7000 E-mail: cpi@cpia.com Fax: 301-434-4004
 FREDERICK, MD FAIRFAX, VA

REFERENCE	Drawn by	IEI	IEI	Checked by	RLC	RLC
Plot Book N/A	Date	09/15/04		Record No.		
Plot No. 22634	Scale	1"=30'		29-123-88-73 (A)		

Dwg: N:\29100\dwg\88-73A.dwg Xref:

Exhibit "D"

Settled
 1/19/05



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

BUILDING
PERMIT

Issue Date: 7/16/2004

Permit No: 330349
Aptype : BUILDING
Expires: 7/17/2005
X Ref. 312887
Rev. No: 330342
Contact_ID: AC569023

THIS IS TO CERTIFY THAT:

PCI CLARKSBURG, LLC
5515 SECURITY LANE, #550
ROCKVILLE MD 20852

HAS PERMISSION TO: CONSTRUCT SINGLE FAMILY DWELLING
PERMIT CONDITIONS: Model "A"

MODEL NAME: "A"
PREMISE ADDRESS: 70A
23838 BURDETTE FOREST RD
CLARKSBURG MD 20871-

LOT 70 BLOCK A ZONE GRID
LIBER ELECTION DISTRICT PLATE PARCEL
FOLIO TAX ACCOUNT NO.: PS NUMBER
PERMIT FEE: \$4,206.60 SUBDIVISION CLARKSBURG TOWN CENTER

MUST BE POSTED ON JOB SITE
AN APPROVED FINAL INSPECTION IS REQUIRED
PRIOR TO USE OR OCCUPANCY

Every new one- or two-family dwelling, every townhouse and any attached accessory structure must be equipped with a fire sprinkler system. A separate sprinkler permit is required for the installation of the fire sprinkler system.

NOTICE
THIS APPROVAL DOES NOT INCLUDE
PLUMBING, GAS PIPING OR ELECTRICAL
OR CONSTRUCTION IN ANY
DEDICATED RIGHT-OF-WAY.

NOTE
THIS PERMIT DOES NOT INCLUDE
APPROVAL FOR ANY ELECTRICAL
WORK. YOU MUST HAVE A
SEPARATE ELECTRICAL PERMIT TO
DO ANY ELECTRICAL WORK.

Director, Department of Permitting Services

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166. Phone: (240) 777-6210
<http://permittingservices.montgomerycountymd.gov>



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

BUILDING
PERMIT

Issue Date: 7/16/2004

Permit No: 330352
Aptype: BUILDING
Expires: 7/17/2005
X Ref: 312887
Rev. No: 330342
Contact_ID: AC569023

THIS IS TO CERTIFY THAT:

PCI CLARKSBURG, LLC
5515 SECURITY LANE, #550
ROCKVILLE MD 20852

HAS PERMISSION TO: CONSTRUCT SINGLE FAMILY DWELLING
PERMIT CONDITIONS: Model "A"

MODEL NAME: "A"
PREMISE ADDRESS: 23~~84~~^{73A} BURDETTE FOREST RD
CLARKSBURG MD 20871-


LOT 73 BLOCK A ZONE GRID
LIBER ELECTION DISTRICT PLATE PARCEL
FOLIO TAX ACCOUNT NO.: PS NUMBER
PERMIT FEE: \$4,206.60 SUBDIVISION CLARKSBURG TOWN CENTER

MUST BE POSTED ON JOB SITE
AN APPROVED FINAL INSPECTION IS REQUIRED
PRIOR TO USE OR OCCUPANCY

Every new one- or two-family dwelling, every townhouse and any attached accessory structure must be equipped with a fire sprinkler system. A separate sprinkler permit is required for the installation of the fire sprinkler system.

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APPROVAL FOR ANY ELECTRICAL
WORK. YOU MUST HAVE A
SEPARATE ELECTRICAL PERMIT TO
DO ANY ELECTRICAL WORK.


Director, Department of Permitting Services

DPS/Application Details

Status

Building Residential
Application Details

Permit/License: 255424
[Help](#)

Permit Number 255424
Application Date 08/07/2001
Issue Date 03/08/2002
Final Date 07/22/2002
Work Type Construct - Single Family Dwelling
Square Footage 5002
Value \$172,145.00

Site Address
23508 Sugar View DR
Clarksburg
MD 20871-
Lot - Block -
Subdiv. Clarksburg Town Center
Application Status
Finaled

Contractors

ID	Name	Address
BC2959	Porten Homes	5515 Security Lane, Suite 550 Rockville Md 20852-

Licenses

Contractor	License	Name	Address
BC2959	BC2959	Poto	005515 Security Lane, Suite 550 Rockville Maryland 20852

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Best viewed with IE 5.0 or Netscape 6.0 and higher

Exhibit "E"

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN HEREBY AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY AGREE TO SUBMIT THE ENTIRE INTEREST WE HAVE IN SAID PROPERTY TO THE MOUNTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, MOUNTGOMERY COUNTY, MARYLAND, FOR REVIEW AND APPROVAL OF THE DEVELOPMENT PLAN AND TO ALL ORDINANCES AND REGULATIONS OF THE MOUNTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, MOUNTGOMERY COUNTY, MARYLAND, WHICH MAY APPLY TO SAID PROPERTY.

WE FURTHER AGREE THAT A MORTGAGE REGISTERED LAND SURVEYOR SHALL BE CHARGED TO SET ALL PROPERTY CORNERS AND MARKERS IN ACCORDANCE WITH SECTION 80-24 (4) OF THE SUBDIVISION REGULATIONS OF MOUNTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUIA ACTORS AT LAW, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREBY, EXCEPT THAT CERTAIN DEEDS OF TRUST, AND THE PARTIES IN INTEREST HEREBY HAVE BELOW INDICATED THEIR INTEREST.

DATE: 6/3/04
Avery Savarone
 TERRACON CLARKSBURG, L.L.C.
 A DELAWARE LIMITED LIABILITY COMPANY

DATE: 6/3/04
Kimberly N. Ambrose
 KIMBERLY N. AMBROSE, ASSISTANT VICE PRESIDENT

WE HEREBY AGREE TO THE SUBDIVISION RECORD PLAT
 DATE: 6/3/04
David Field
 WITNESS

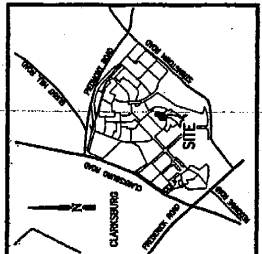
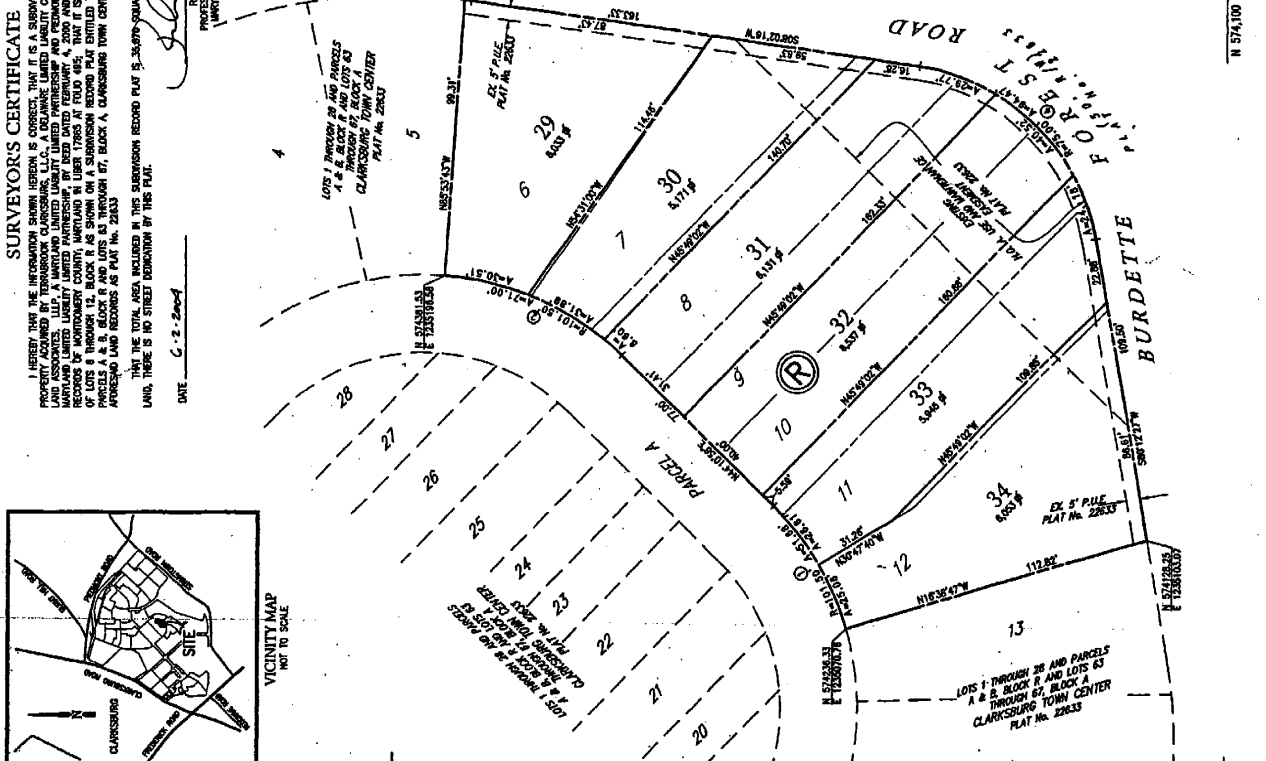
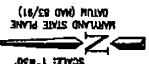
DATE: 6/3/04
Daniel H. Peterson
 TRUSTEE

NOTES:

- 1. ALL THE TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY EXISTING RECORD PLAT SHALL APPLY TO THIS DEVELOPMENT PLAN.
- 2. THE PROPERTY SHOWN HEREBY IS SUBJECT TO THE REQUIREMENTS OF THE MOUNTGOMERY COUNTY FOREST AND OPEN SPACE PRESERVATION ACT AND ANY OTHER APPLICABLE LAWS, ORDINANCES, REGULATIONS, AND AGREEMENTS WHICH MAY APPLY TO SAID PROPERTY.
- 3. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND/OR USE OF THIS PROPERTY. THE OWNERSHIP AND/OR USE OF THIS PROPERTY SHALL BE DETERMINED BY RECORDS OF THE MOUNTGOMERY COUNTY RECORDS DEPARTMENT.
- 4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.
- 5. THIS LAND IS ZONED R2 AND IS BEING DEVELOPED UNDER THE PROVISIONS OF DIVISION 80-2-10 OF THE MOUNTGOMERY COUNTY CODE.
- 6. THE SITE IS SUBJECT TO AN AGREEMENT WITH THE MOUNTGOMERY COUNTY PLANNING BOARD REGARDING APPLICABLE PUBLIC UTILITIES.
- 7. THE DEVELOPMENT IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT PRESENT TO THE PUBLIC FILE NUMBER 8-49001.
- 8. NAD83, 200 SCALE REFERENCE: 225 HW 13.
- 9. THIS LOT IS LIMITED TO THE USES AND CONDITIONS OF THE PRELIMINARY PLAT NO. 1-86942 DENTLED CLARKSBURG TOWN CENTER.
- 10. THE PURPOSES OF THIS PLAT IS TO REVEAL AND CORRECT, PURSUANT TO SECTION 80-35(a)(5)(A) OF THE MOUNTGOMERY COUNTY CODE, LOT LINES OF LOTS 6 THROUGH 12, BLOCK R AS SHOWN ON PLAT NO. 22833.

RECORDED: 22907
 PLAT NO.:

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREBY IS CORRECT, THAT IT IS A SUBDIVISION OF A PART OF THE PROPERTY ACQUIRED BY TERRACON CLARKSBURG, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, FROM CLARKSBURG TOWN CENTER DEVELOPMENT, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, BY DEED DATED FEBRUARY 14, 2000 AND RECORDED IN THE LAND RECORDS OF MOUNTGOMERY COUNTY, MARYLAND IN LIBER 17885 AT FOLIO 485, THAT IT IS ALSO A RESUBDIVISION OF ALL OF LOTS 6 THROUGH 12, BLOCK R, AS SHOWN ON A SUBDIVISION RECORD PLAT ENTITLED "LOTS 6 THROUGH 12, BLOCK R AS SHOWN ON A SUBDIVISION RECORD PLAT ENTITLED 'LOTS 6 THROUGH 12, BLOCK R, CLARKSBURG TOWN CENTER' AND RECORDED UNDER THE PROFESSIONAL LAND SURVEYOR ACT OF MARYLAND AS PLAT NO. 22833.
 THAT THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAT IS 3,689.97 SQUARE FEET OR 0.08 ACRES OF LAND, THERE IS NO STREET VARIATION BY THIS PLAT.
 DATE: C-2-2004
 RONALD L. COLLIER
 PROFESSIONAL LAND SURVEYOR
 PHOTOGRAPH REG. NO. 28014



SECTION 80-2-10 OF THE MOUNTGOMERY COUNTY CODE, SECTION 80-35(a)(5)(A) OF THE MOUNTGOMERY COUNTY CODE, LOT LINES OF LOTS 6 THROUGH 12, BLOCK R AS SHOWN ON PLAT NO. 22833.

SECTION 80-2-10 OF THE MOUNTGOMERY COUNTY CODE, SECTION 80-35(a)(5)(A) OF THE MOUNTGOMERY COUNTY CODE, LOT LINES OF LOTS 6 THROUGH 12, BLOCK R AS SHOWN ON PLAT NO. 22833.

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY
 Z-04295150-04-001 (REV. 2-10-04)
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 DEPARTMENT OF PERMITTING SERVICES, MOUNTGOMERY COUNTY

APPROVED: David Berg
 DIRECTOR

APPROVED: Michael B. Jody
 DEPUTY DIRECTOR

FILED
 JUL - 9 2004
 Clerk of the Circuit Court
 Montgomery County, Md.

CLARKSBURG TOWN CENTER
 MOUNTGOMERY COUNTY, MARYLAND
 JUNE, 2004
 SCALE: 1" = 30'

SUBDIVISION RECORD PLAT
 LOTS 29 THROUGH 34, BLOCK R
 A RESUBDIVISION OF LOTS 6 THROUGH 12, BLOCK R
 CLARKSBURG TOWN CENTER
 MOUNTGOMERY COUNTY, MARYLAND
 JUNE, 2004
 SCALE: 1" = 30'

APPROVED: CPJ
 CLARKSBURG TOWN CENTER
 MOUNTGOMERY COUNTY, MARYLAND
 JUNE, 2004
 SCALE: 1" = 30'

FIGURE 1
 CURVE TABLE

CURVE NUMBER	LENGTH	DELTA	TANGENT	BEARING	CHORD
1	101.56	51.06	29.10	116.24° 55' 31"	51.12
2	101.56	51.06	40.51	122.28° 47' 32"	51.12
3	101.56	51.06	51.71	128.20° 36' 00"	51.12
4	101.56	51.06	62.61	134.02° 21' 10"	51.12
5	101.56	51.06	73.11	140.01° 22' 17"	51.12

DATE: June 2, 2004

Plotted: June 2, 2004

DWG: N:\29100.dwg\15-28R Xref:

2-04295150-04-001 (REV. 2-10-04)
 629-40
 1244-28689

15618

EXHIBIT 'F'

