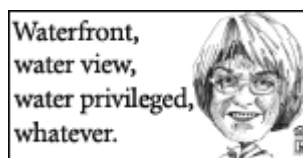
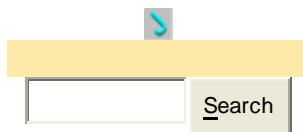


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Everyone in Hillsmere sued in land dispute

By ERIC HARTLEY, Staff Writer

Attention people of Hillsmere: You're being sued. All 1,976 of you.

Thanks to a recent appeals court decision in a property dispute, all the landowners in the waterfront community south of Annapolis will have their day in court - if they really want it.

The case, a fight over who owns a 1,700-foot swath of land, was originally decided in 2004, when a county judge granted five residents ownership of the property because they'd used and maintained it for decades.

The Hillsmere residents group that lost the case appealed. In December, the Court of Special Appeals ruled it couldn't decide the case until every person with a potential interest in the property had a chance to be heard individually.

So the plaintiffs have filed an amended lawsuit that names 1,976 new defendants, and every single one has to be served a summons.

Michael Ragland, an attorney for the Hillsmere Shores Improvement Association, said he initially figured few residents would care to get involved in the case. But he wonders what will happen if they do.

"How do you handle a trial with 2,000 defendants? Frankly, I haven't got a clue how that gets done," he said.

Association President Bill Shuman said, "There's not a courtroom big enough to try this."

Mr. Shuman, who's lived in Hillsmere for more than 14 years, said he's heard from 15 or 20 people upset they're being named in a lawsuit. And he said five or six told him they planned to hire lawyers, upset at what they see as an attempt to seize community property.

"It's now become extremely personal to the neighborhood," Mr. Shuman said.

The case has presented an unprecedented paperwork challenge for



the court clerks who've had to prepare the summonses.

"We've climbed the paper mountain and met the challenge," Clerk of the Court Robert P. Duckworth said last week. "It's the biggest file we've ever had as far as summonses."

The largest number of parties Mr. Duckworth remembered in a previous lawsuit is about 200.

The 1,977 summonses - 1,976 new ones plus one for the improvement association, the original defendant - were sent out in bunches. The clerks' computers initially balked at listing that many defendants in a single case, and it was only thanks to some creative computer work that they got it done.

Mr. Duckworth said it took three or four clerks about a week and a half to do the work.

"It's the first since I've been here that we've done anything like this and I hope it will be the last," he said.

The paperwork isn't over, since each defendant will also have to be sent notice of every court date. And the challenge could get even bigger. Mr. Ragland said he has filed a motion seeking to add all the banks holding mortgages in Hillsmere as parties to the case since they could have an interest.

But that wouldn't mean 2,000 homeowners and 2,000 banks, he noted: "Most are owned by two people, so it would be 1,000 banks."

A hearing on that request is set for October.

Court officials asked Mr. Ragland whether he would accept service of the 1,976 summonses. He declined, saying he didn't represent those people and wasn't going to take on the responsibility of notifying them.

They're being sent out through certified mail. That will be pricey, but cheaper than paying someone to serve them in person, which can cost \$30 a pop - close to \$60,000 in this case.

"That's a down payment on a house," Mr. Duckworth said.

The battle centers on a legal theory known as "adverse possession." If someone has used and maintained a piece of property exclusively for 20 years, he can claim it, arguing the listed owners have neglected it.

The strip of land at issue, which is between eight and 80 feet wide, goes from the main beach to a marina. It passes behind 17 homes.

It was originally community property, but for years, the

homeowners living next to it had put up fences and hedges to protect their privacy and bulkheads to stop erosion.

That fact was overlooked until 2002, when a homeowner built a pier along the stretch over the homeowners' group's objections. That brought the dispute to a head, and the lawsuit was filed in August 2003.

The plaintiffs are Gregory and Susan Singleton, Parviz Sahandy and Edward and Leah Hertz.

In an interview, Dr. Singleton, who bought his house on East Bay View Drive in 1977, said he filed suit to protect his family's privacy after the community proposed putting a public walkway in.

He said the neighborhood is "a little bit polarized."

"The whole issue from us was whether or not we're going to maintain our privacy," he said. "We've been here for 27 years with privacy. Now all of a sudden they want us to remove our hedges and fences and put a walkway in there."

Mr. Shuman said having neighbors walking by your house is part of living in a community.

"People walk by my house all day," he said. "I don't have any expectation that I live on an estate."

Mr. Ragland said the issue is whether community members are allowed to walk from the beach to the marina without going out to the road.

Under the theory of adverse possession, Mr. Ragland said, he should be able to prevail if he can produce a single person who's used the land a single time in the past 20 years.

He hasn't heard from that person yet, but hopes he will after the 1,976 new summonses go out.

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