

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

D. GREGORY SINGLETON, *et al* :

Plaintiff :

V. : CASE #: 02-C-03-091246 RP

HILLSMERE SHORES IMPROVEMENT
ASSOCIATION, INCORPORATED, *et al* :

Defendants :

* * * * *

WITHDRAWAL OF STIPULATION

COMES NOW the Defendant, the HILLSMERE SHORES IMPROVEMENT ASSOCIATION, INCORPORATED, a non-profit corporation of the State of Maryland, by and through its attorneys, MICHAEL J. RAGLAND, SR. and the law firm of BELL AND RAGLAND, P.A., and hereby withdraws the Stipulation of the Parties previously filed in these proceedings and in support thereof says as follows:

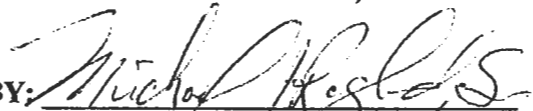
1. The Stipulation previously filed by the parties was entered into at a time when necessary parties had not been joined and the Court therefore lacked jurisdiction in this matter; and
2. The decision of the Court of Special Appeals dated December 5, 2005 vacated the Orders in this case as a result of the invalidity of the proceedings during the time that necessary parties were missing. See also *Alvin Jenkins V. City of College Park*, 379 MD., 840 A.2d 139 (2003); and
3. This Defendant has learned that the facts stated in the Stipulation are not correct; and
4. This Defendant has heard from residents in the subdivision, some of whom have now been sued as Defendants in this action, that they have in fact entered on the land in question and walked on top of the bulkheads and over the grass areas, under the authority conferred upon them by the Deed and Agreement of July 1965 and said entry upon the property tolled the Statute's required twenty (20) years; and

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5. This Defendant has discovered corporate records, previously believed to be lost when its storage facilities were flooded, which records includes minutes of the Corporations meeting where Mrs. Singleton appeared and requested and was given permission to enter upon the land of this Defendant, and that in fact said Plaintiff sought and received permission to build the bulkhead involved in this case and which she now claims established her actions of open, hostile, exclusive use and possession of the property; and
6. As the Plaintiff's sought and received permission to enter upon the land and to build the bulkhead, their possession was permissive and may never be a basis for adverse possession Feldstein v. Segall, 198 Md. 285, 81 A. 2d 610 (1951), Hungerford v. Hungerford, 234 Md. 338, 199 A. 2d 209 (1964); Waltemeyer v Baughman, 63 Md. 200 (1885); and
7. The Defendant's, **HILLSMERE SHORES IMPROVEMENT ASSOCIATION, INC.'s**, withdrawal of its consent to the Stipulation previously made does not prejudice the Plaintiffs or preclude them from proving their case at the time of trial, as no other Defendants Answer to the Complaint is due until fifteen (15) days after the Court rules on the pending Motions Raising Preliminary Objections, Rule 2-321(c), and most Defendants have yet to be served with the Amended Complaint in these proceedings.

WHEREFORE the Defendant, **HILLSMERE SHORES IMPROVEMENT ASSOCIATION, INC.**, does hereby withdraw, repudiate and renounce the Stipulation filed in these proceedings prior to the appeal to the Court of Special Appeals of Maryland.

BELL AND RAGLAND, P.A.

BY: 

MICHAEL J. RAGLAND, SR.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of July, 2006, I mailed by first class mail, postage prepaid a copy of the foregoing Withdrawal of Stipulation to:

William M. Simmons, Esquire
20 West Street, P.O. Box 2266
Annapolis, Maryland 21404-2266
And to

All other Defendants at their last know address, who have not admitted or waived service as shown on the attached forms.

MICHAEL J. RAGLAND, SR.