

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

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

L&B 534457v2/08543.0180

The Honorable Derick P. Berlage
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County Planning Board
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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

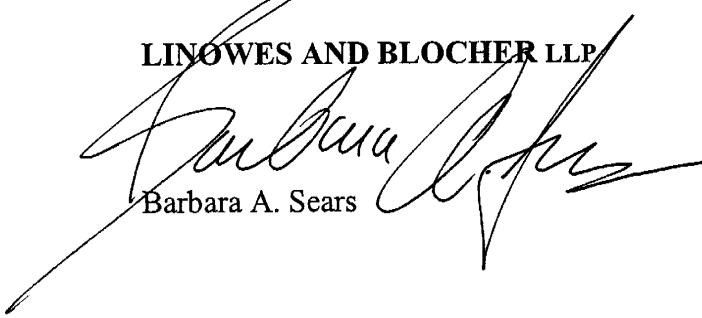
The Honorable Derick P. Berlage
and Members of the Montgomery
County Planning Board
November 18, 2005
Page 3

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,

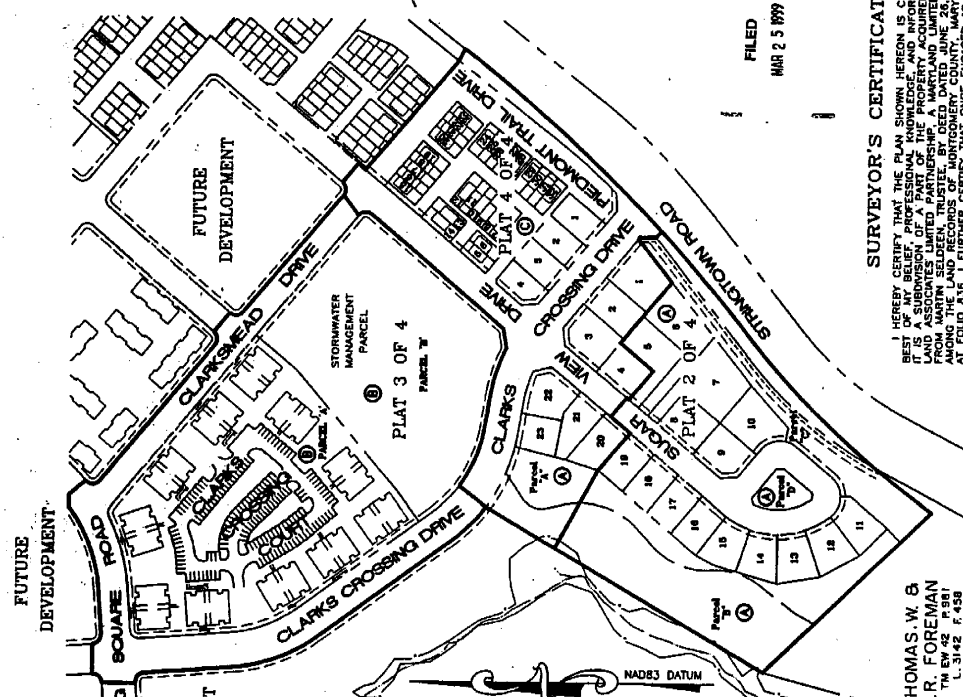
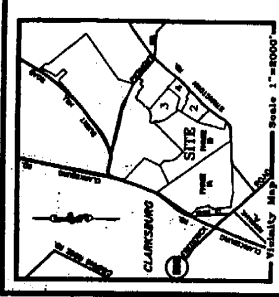
LINOWES AND BLOCHER LLP


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 20995



NOTES:

1. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SUBDIVISION RECORD OR OTHER PLAN, INCLUDING THE DEVELOPMENT OF THE PROPERTY, SHALL BE GOVERNED BY THE MONTGOMERY COUNTY PLANNING BOARD. ANY INTENTION TO MODIFY OR AMEND THIS PLAN, UNLESS EXPRESSED BY THE RECORDATION OF THIS PLAN, AS APPROVED, THE OFFICIAL FILES FOR THIS PLAN, SHALL BE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
2. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST AND FISH CONSERVATION ACT, INCLUDING APPROVAL OF THE FOREST CONSERVATION PLAN AND A SEDIMENT CONTROL AGREEMENT. PRIOR TO ISSUANCE OF A SEDIMENT CONTROL AGREEMENT, THE PROPERTY SHOWN HEREON SHALL BE VIEWED AT 8787 GEORGIA AVENUE, SUITE 300, CLARKSBURG, MARYLAND.
3. THE SURVEY HEREON FOR THIS DEVELOPMENT IS THE NORTH AMERICAN GRID FOR THE STATE OF MARYLAND.
4. THIS DEVELOPMENT COMPLIES WITH CHAPTER 25-A OF THE MONTGOMERY COUNTY CODE TO PROVIDE A MODERATELY PRICED DWELLING UNITS (MPDU) OF BLOCK 'A', BLOCK 'B', PLAT 3 OF 4.
5. THIS DEVELOPMENT IS SUBJECT TO A SITE PLAN FILE NUMBER M-C-1-16-20995-1.
6. THE DEVELOPMENT OF THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.
7. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.
8. THIS DEVELOPMENT IS BEING DEVELOPED UNDER THE MONTGOMERY COUNTY ZONING ORDINANCE.
9. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO BE USED TO CONVEY OR AFFECT THE OWNERSHIP AND/OR USE OF THIS PROPERTY. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE ANY RECORD PLAT OR ANY RECORD PLAT OR NOTE ALL MATTER AFFECTING TITLE.
10. VEHICULAR ACCESS TO STRINGTOWN ROAD IS DENIED, EXCEPT AT THE LOCATIONS APPROVED BY THE DEPARTMENT OF PERMITTING SERVICES.

OWNER'S CERTIFICATE

WE THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SUBDIVISION RECORD PLAT AND THE PLAN OF SUBDIVISION, CONSISTING OF FOUR (4) SHEETS, ESTABLISH THE USE, AND GRANT TO MONTGOMERY COUNTY PUBLIC UTILITIES THE RIGHT TO UTILIZE THE PUBLIC UTILITY EASEMENTS, AS SHOWN ON THE ATTACHED EASEMENT SHEETS, AND TO INSTALL, MAINTAIN, OPERATE AND REPAIR ANY NECESSARY PUBLIC UTILITIES. WE FURTHER ESTABLISH THE LIMITS OF THE INGRESS/EGRESS EASEMENT AS SHOWN ON PLAT 2 OF 4, ACROSS LOTS 5, 6, AND 7, BLOCK 'A'. WE FURTHER ESTABLISH THE LIMITS OF THE CONSERVATION EASEMENT AS SHOWN HEREON AS PER THE COUNTY AND STATE RECORDS OF THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 1878 AT FOLIO 412, AND LIBER 3434 AT FOLIO 142.

OUR SUCCESSORS AND ASSIGNS SHALL CAUSE PROPERTY CORNER MARKERS TO BE PLACED IN ACCORDANCE WITH SECTION 50-28 (6) (3) OF THE MONTGOMERY COUNTY CODE.

WE FURTHER GRANT A PRIVATE UTILITY EASEMENT, SHOWN HEREON AS DESCRIBED IN THE ATTACHED EASEMENT SHEETS, TO THE PUBLIC UTILITIES COMPANIES, AND PROVIDE FOR THE INSTALLATION OF PUBLIC UTILITIES IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PROVISIONS FOUND IN THE SUBDIVISION RECORD PLAT AND THE PLAN OF SUBDIVISION, AS RECORDED IN LIBER 3834 AT FOLIO 437.

WE FURTHER GRANT TO MONTGOMERY COUNTY, MARYLAND, THEIR SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE THE PUBLIC UTILITY EASEMENTS, AS SHOWN ON THE ATTACHED EASEMENT SHEETS, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PROVISIONS FOUND IN THE SUBDIVISION RECORD PLAT AND THE PLAN OF SUBDIVISION, AS RECORDED IN LIBER 3834 AT FOLIO 437.

WE FURTHER GRANT TO MONTGOMERY COUNTY, MARYLAND, THEIR SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE THE PUBLIC UTILITY EASEMENTS, AS SHOWN ON THE ATTACHED EASEMENT SHEETS, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PROVISIONS FOUND IN THE SUBDIVISION RECORD PLAT AND THE PLAN OF SUBDIVISION, AS RECORDED IN LIBER 3834 AT FOLIO 437.

WITNESSES:

Christina Maguire 11/23/98 DATE BY *Steven M. Alexander* GENERAL PARTNER
Shirley Lee 11/23/98 DATE BY *Scott H. Johnson* TRUSTEE
Alexander Lee 11/23/98 DATE BY *John A. Slaughter* TRUSTEE

AS SET FORTH ON SHEET ONE OF FOUR HEREIN.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE INFORMATION AND DATA SHOWN ON THE PLAN AND SUBDIVISION RECORD PLAT ARE TRUE AND CORRECT. I HAVE BEEN ENGAGED AS DESCRIBED IN THE PLAN AND SUBDIVISION RECORD PLAT AND I HAVE BEEN ENGAGED AS DESCRIBED IN THE PLAN AND SUBDIVISION RECORD PLAT AND I HAVE BEEN ENGAGED AS DESCRIBED IN THE PLAN AND SUBDIVISION RECORD PLAT.

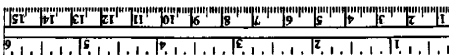
THOMAS W. B
H.R. FOREMAN
L.S. 5142 P. 438

FILED
MAR 25 1999

CLARKSBURG TOWN CENTER
 TAX MAP EW42 PARCEL 600
 CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 50' NOVEMBER 1998

MSA 3551a149 -170a -1 688-7

| | |
|--------------------|-------------------------------------|
| PRELIMINARY PLAN # | Z-98126 |
| SITE PLAN # | 1-25042 |
| PROJECT # | 8-98001 |
| P.L.A. # | 9-94004 |
| PLAT NO. | 20995 |
| PLAT NO. | 20995 |
| APPROVED | <i>Marshall D. Ross</i> DIRECTOR |
| DATE | 11/23/98 |
| RECORDED | 20995 |
| FILED | 20995 |
| RECORDED | 20995 |
| FILED | 20995 |



OWNER'S CERTIFICATE

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADMIT THIS SUBDIVISION RECORD PLAT, ESTABLISH THE MINIMUM BOUNDARY LINES AND RESERVE THE SHEETS TO PUBLIC USE, OBTAIN TO APPROPRIATELY CONVEY TO THE PUBLIC, AND TO ALL STREET FRONT OF ANY LOTS, AND SLOPE ELEVATIONS SHALL BE DETERMINED BY THE SURVEYOR. PUBLIC UTILITY EASEMENTS SHALL BE RECORDED AND NOTED TO THE PARTIES LISTED AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE RECORDS OF MONTGOMERY COUNTY, MARYLAND IN BOOK 108488, PAGE 10. TO THE EXTENT THAT THE TERMS AND PROVISIONS ARE INCORPORATED HEREIN BY THIS REFERENCE, SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES.

WE FURTHER CERTIFY THAT A MARYLAND REGISTERED LAND SURVEYOR WILL BE ENGAGED TO SET ALL PROPERTY CORNERS MARKERS IN ACCORDANCE WITH SECTION 50-24 (4) OF THE SUBDIVISION RECORD PLAT ACT, MONTGOMERY COUNTY, MARYLAND.

THE PROPERTY SHOWN HEREON, EXCEPT THAT SETBACK BEED OR TRUST, AND THE PARTIES IN INTEREST HEREIN HAVE BELIEF INDICATED THEIR ASSENT.

DATE: 3-14-03
 ATTEST: *[Signature]*
 TERRACROOK CLARKSBURG, LLC
 A DELAWARE LIMITED LIABILITY COMPANY
 A DELAWARE LIMITED LIABILITY COMPANY
 TRACY J. HAYES ASSISTANT VICE PRESIDENT

WE HEREBY ASSENT TO THIS SUBDIVISION RECORD PLAT
 DATE: 3-14-03
 ATTEST: *[Signature]*
 DAVID H. PETERSON, 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 TERRACROOK CLARKSBURG, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FROM CLARKSBURG LAND ASSOCIATES, LLC, A MARYLAND LIMITED LIABILITY COMPANY, AND THAT THE PROPERTY SHOWN HEREON IS THE SAME AS THAT SHOWN ON THE RECORDS OF MONTGOMERY COUNTY, MARYLAND IN BOOK 108488, PAGE 10, AND RECORDED AMONG THE RECORDS OF MONTGOMERY COUNTY, MARYLAND IN BOOK 108488, PAGE 10.

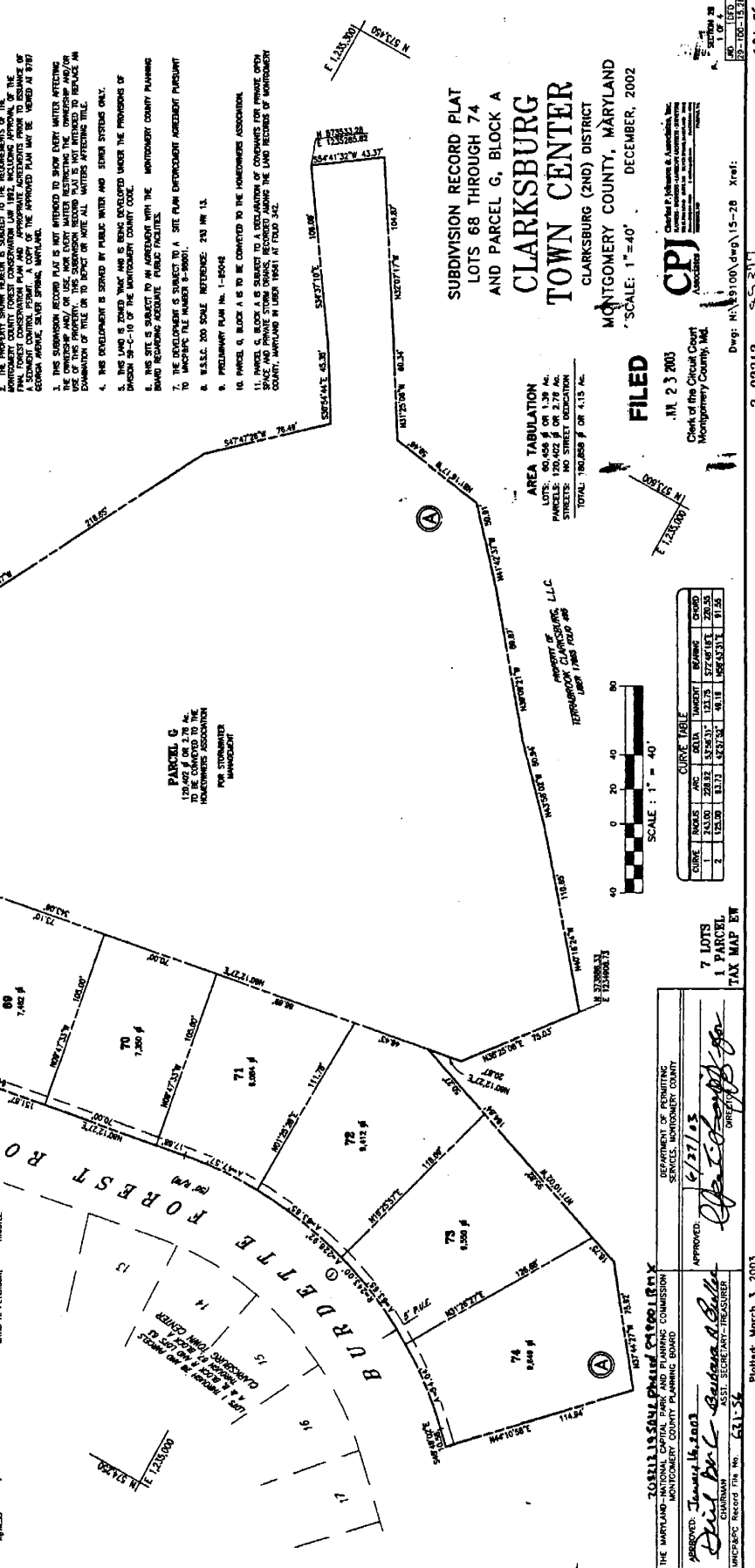
THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAT IS 100,000 SQUARE FEET OR 2.3 ACRES OF LAND. THERE IS NO STREET RELOCATION BY THIS PLAT.

DATE: 3-2-2003
 RONALD L. COLLIER
 PROFESSIONAL SURVEYOR
 MONTGOMERY REG. NO. 20111

[Seal of the State of Maryland]

NOTES:

1. ALL THE TERMS, CONDITIONS, RESTRICTIONS, LIMITATIONS, AND REQUIREMENTS WITH ANY PRELIMINARY PLAT, SITE PLAN, PROJECT PLAN, OR ANY OTHER PLAN, ALLOWING THE DEVELOPMENT OF THE PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD AND THE MONTGOMERY COUNTY DEPARTMENT OF RESIDENTIAL AND COMMUNITY DEVELOPMENT, SHALL BE APPLICABLE TO THIS PLAT, UNLESS EXPRESSLY CONTRADICTED BY THE PLAN AS APPROVED. THE OPTION FEE FOR ANY SUCH PLAN(S) ARE 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 BOARD AND THE MONTGOMERY COUNTY DEPARTMENT OF RESIDENTIAL AND COMMUNITY DEVELOPMENT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGE AVENUE, SEVEN SPRING, MONTGOMERY.
3. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EXISTING WATER UTILITIES. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING BOARD AND THE MONTGOMERY COUNTY DEPARTMENT OF RESIDENTIAL AND COMMUNITY DEVELOPMENT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGE AVENUE, SEVEN SPRING, MONTGOMERY.
4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.
5. THIS LAND IS ZONED "R-1" AND IS BEING DEVELOPED UNDER THE PROVISIONS OF DIVISION 29-5-10 OF THE MONTGOMERY COUNTY CODE.
6. THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ACCESSIBLE PUBLIC FACILITIES.
7. THE DEVELOPMENT IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT PURSUANT TO MONTGOMERY COUNTY CODE SECTION 29-5-10.
8. U.S.G.S. 200 SCALE REFERENCE: 231 NW 13.
9. PRELIMINARY PLAN NO. 1-85048.
10. PARCEL G, BLOCK A IS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.
11. PARCEL G, BLOCK A IS SUBJECT TO A DECLARATION OF COVENANTS FOR PRIVATE OPEN SPACE AND PRIVATE STORM DRAINAGE, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN BOOK 108488 AT PAGES 10-11.



FOR SALE

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

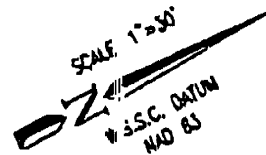
APPROVED: *[Signature]* 6/27/03
 DIRECTOR

APPROVED: *[Signature]*
 SECRETARY-TREASURER

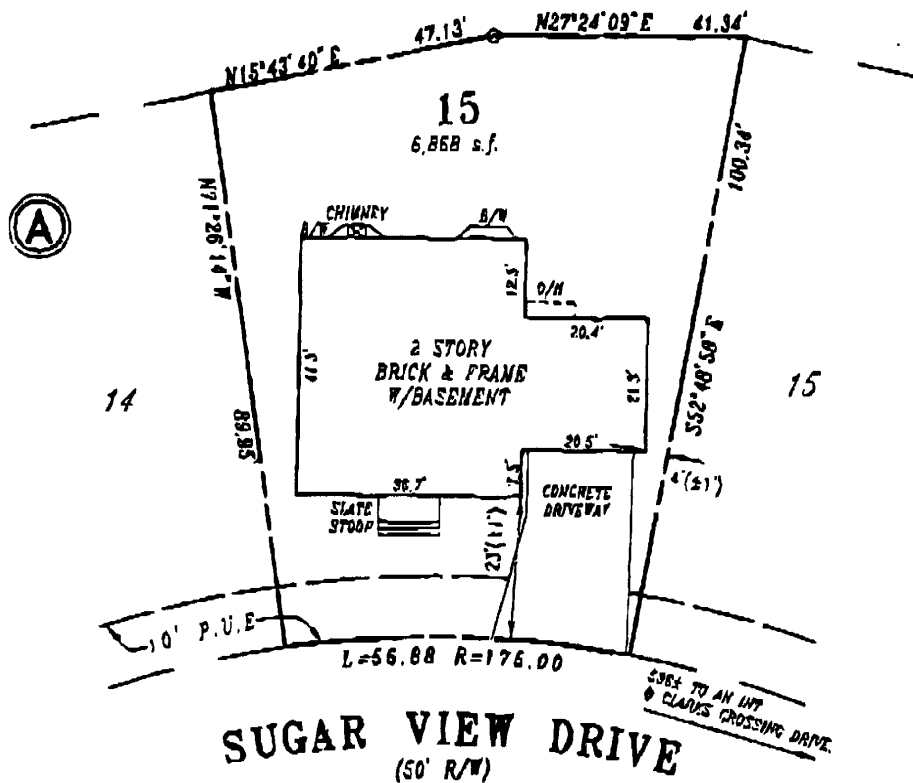
UNCD&C Record File No. 621-56
 Printed: March 3, 2003

621-56
 621-56
 621-56

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



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 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 w/o the benefit of a title report.

3115-2002

[Signature]
RONALD L. COLLIER
 PROFESSIONAL LAND SURVEYOR
 MD. No. 20214

CPJ
 Associates

Charles P. Johnson & Associates, Inc.
 PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS
 101 BELTON ROAD SUITE 500 SILVER SPRING, MARYLAND 20910
 Phone (301) 584-7800 E-mail: cpj@cpj.com Fax: (301) 584-7894
 FREDERICK, MD FAIRFAX, VA

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

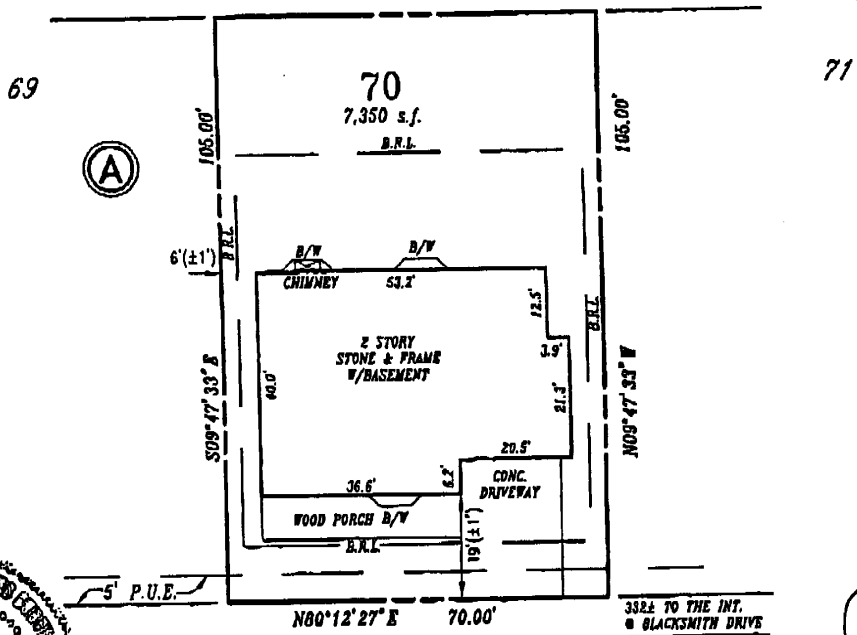
Dwg: N:\29100\dwg\88-15A (ref:

Settled
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 (MAD 63/91)

PARCEL 'C'
S80°12'27" W 70.00'



BURDETTE FOREST ROAD
(50' R/W)

BRL'S
FRONT: 10'
SIDE: 9'
REAR: 25'
ZONE: RMX



[Handwritten Signature]
12-22-2004

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 FULLY 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 for the benefit of a title report.

9.3.2004

[Handwritten Signature]
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 20908
Phone: (301) 434-7000 E-mail: cpi@cpia.com Fax: (301) 434-3099
FREDERICK, MD FAIRFAX, VA

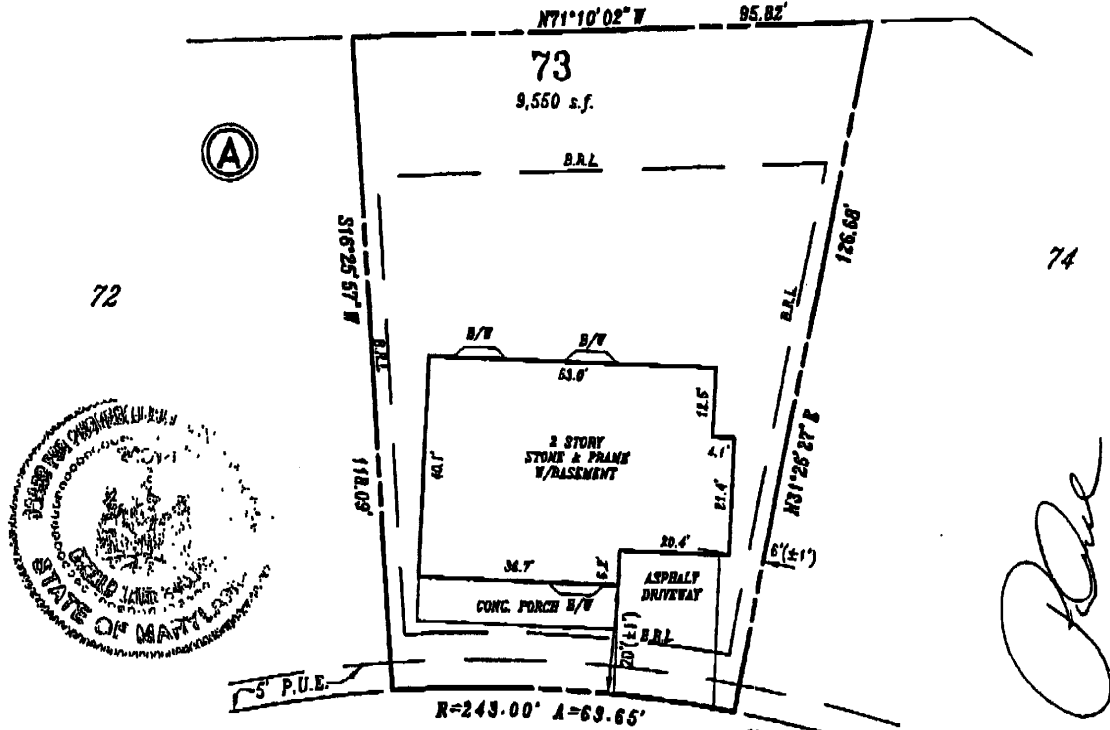
| | | | | |
|-------------------|------------------|------------------|-------------------|-----|
| REFERENCE | Drawn by IEI | IEI | Checked by RLC | RLC |
| Plot Book N/A | Date 09/08/04 | Record No. | | |
| Plot No. 22634 | Scale 1"=30' | 29-121-88-70 (A) | | |

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
 DIAL (NO. 65191)



[Signature]
 11.9.2005

BURDETTE FOREST ROAD
 (60' 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.
 9.19.2004
 RONALD L. COLLIER
 PROFESSIONAL LAND SURVEYOR
 MD. No. 20014

CPJ Associates Charles P. Johnson & Associates, Inc.
 PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
 7151 ELTON ROAD SUITE 308 SILVER SPRING, MARYLAND 20908
 Phone: (301) 434-7000 E-mail: cpj@cpj.com Fax: (301) 434-8304
 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. 22834 | 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: 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.

| | | |
|---|---|--|
| <p>NOTICE THIS APPROVAL DOES NOT INCLUDE PLUMBING, GAS PIPING OR ELECTRICAL OR CONSTRUCTION IN ANY DEDICATED RIGHT-OF-WAY.</p> | <p>NOTE THIS PERMIT DOES NOT INCLUDE APPROVAL FOR ANY ELECTRICAL WORK. YOU MUST HAVE A SEPARATE ELECTRICAL PERMIT TO DO ANY ELECTRICAL WORK.</p> |  <hr/> Director, Department of Permitting Services |
|---|---|--|



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: 2384 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

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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



DPS/Application Details

Status Building Residential Permit/License: 255424 Application Details Help

Permit Number 255424 Site Address 23508 Sugar View DR Clarksburg MD 20871- Lot - Block - Subdiv. Clarksburg Town Center Work Type Construct - Single Family Dwelling Application Status Finald Square Footage 5002 Value \$172,145.00

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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Exhibit "E"

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREIN AND DESCRIBED IN THE SURVEYORS CERTIFICATE... WE HEREBY CERTIFY THAT A MAP HAD REGISTERED... PROPERTY OWNERS CERTIFICATE...

DATE 6/3/04... TERRY SAUNDERS... KIMBERLY N. ANDERSON... DAVID R. PETERSON...

TERENORR CHARBURNS, LLC A GEORGIA LIMITED LIABILITY COMPANY... KIMBERLY N. ANDERSON... DAVID R. PETERSON...

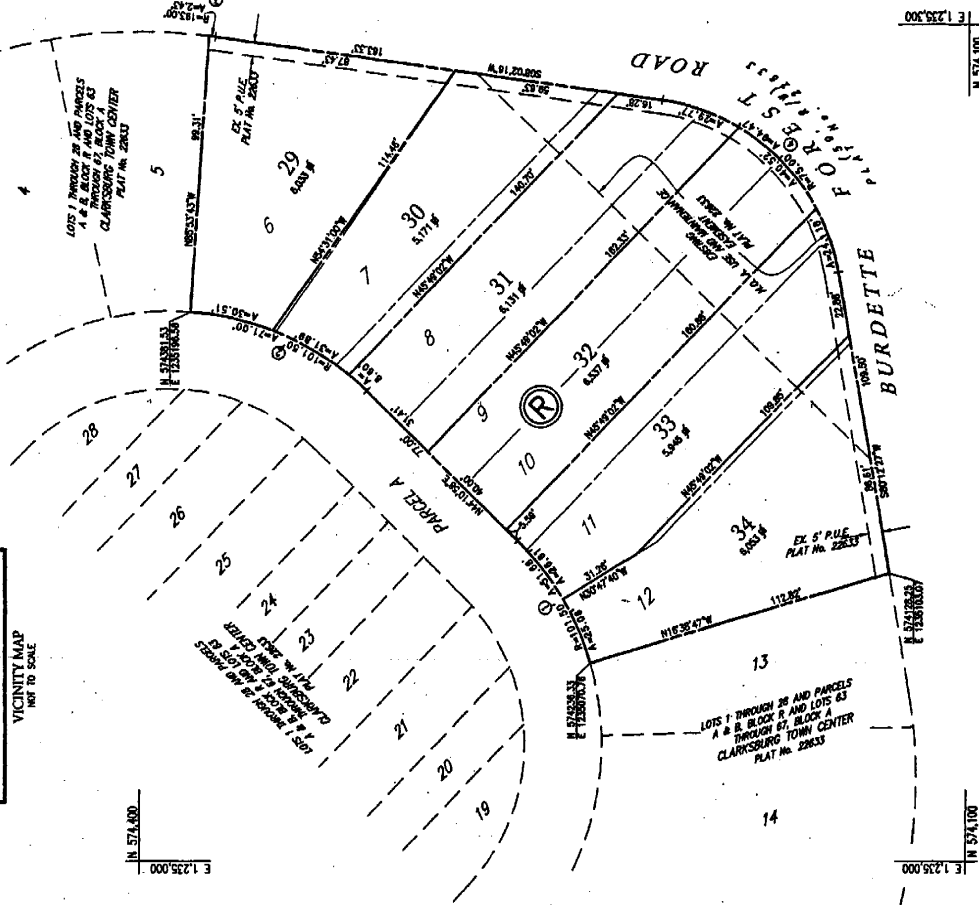
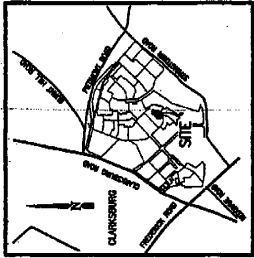
WE HEREBY AGREE TO THIS SUBDIVISION RECORD PLAT...

DATE 6/1/04... DAVID R. PETERSON... DIRECTOR

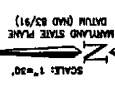
SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREIN IS CORRECT, THAT IT IS A SUBDIVISION OF A PART OF THE LAND SHOWN ON THE RECORD PLAT... SUBDIVISION RECORD PLAT... CLARKSBURG TOWN CENTER...

DATE 6-2-2004... G. T. ZIMM... PROFESSIONAL SURVEYOR... MONTGOMERY COUNTY, MARYLAND... REG. NO. 10772... EXPIRES 12/31/05...



RECORDED: 22907 PLAT NO.: 22907



SCALE: 1" = 30'

SUBDIVISION RECORD PLAT LOTS 29 THROUGH 34, BLOCK R A RESUBDIVISION OF LOTS 6 THROUGH 12, BLOCK R

CLARKSBURG TOWN CENTER CLARKSBURG (2ND) DISTRICT MONTGOMERY COUNTY, MARYLAND

JUNE, 2004 SCALE: 1" = 30'

CPJ ASSOCIATES

FILED JUL - 9 2004

Chief of the Office of the Montgomery County, Md.



SCALE: 1" = 30'

NOTES:

- 1. THIS DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS OF THE FINAL FOREST CONSERVATION PLAN AND APPROVED AGREEMENTS... 2. THIS DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS OF THE FINAL FOREST CONSERVATION PLAN... 3. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EASEMENTS... 4. THE DEVELOPMENT IS SCHEDULED BY PUBLIC WATER AND SEWER SYSTEMS ONLY...

Table with 3 columns: CURVE, CHORD, and AREA. Rows include data for curves 1 through 4.

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY 204225115012110100104473

THE MARYLAND NATIONAL CAPITAL PARKS AND PLANNING COMMISSION... SERVICES, MONTGOMERY COUNTY

APPROVED: April 9, 2004... David Berger... SECRETARY/TREASURER

APPROVED: July 16, 2004... Kimberly N. Anderson... DIRECTOR

MONTGOMERY COUNTY PLANNING BOARD

CHAIRMAN V. M. Anderson... SECRETARY/TREASURER David Berger... DIRECTOR Kimberly N. Anderson...

MontCPC Record File No. 023-40

Plotted: June 7, 2004

Dwg: N:\29\00\dwg\15-29R Xref:

105715 MSA SS4 1248-2889 2-04235 623-40

Exhibit 'F'

