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HAROLD B. GORDY, JR.

February 14, 2020

White Horse Park Community Association, Inc.
Attn: Melissa Peters, President
Via email: melissa126427@gmail.com

Re: Raymond v. Worcester County

Dear Melissa:

I am writing to update you on the case against White Horse Park (“WHP”) and the Worcester County Commissioners (“County”) and to reiterate the importance of the case to the future of WHP.

WHP must actively defend the case (and pay me to do so) because the Plaintiffs (year-round residents) are asking the Circuit Court for Worcester County to allow year-round occupancy of all of the lots in WHP, not just ones owned by the Plaintiffs. Contrary to what some residents are stating, the case is **not** limited to year-round occupancy for the Plaintiffs only.

Attached to this letter are the excerpts from the Plaintiffs’ Amended Complaint, which contains four counts with requests for similar relief from the Court. As you can see, the Court is being asked to stop enforcement of the WHP Declaration and the County law prohibiting year-round occupancy. Consequently, in my judgment the WHP Board of Directors, and you in particular, are being unfairly treated by the handful of advocates for year-round occupancy who continue to convey false and misleading information.

Presently trial of the case is scheduled for July 27 and 28, 2020; however, the County has filed a Motion to Dismiss or for Summary Judgment, which could end the case early. In the Motion, the County argues that the law governing the dispute and the facts of the case entitle the County to win without a trial. I plan to file a similar Motion. I expect both motions to be heard by the Court in March or April. If the Motions are denied, the parties and their attorneys must attend a settlement conference on June 17, 2020.

The WHP Declaration, like the County law, prohibits year-round occupancy of lots in WHP. Until the Declaration and County law are changed or deemed unenforceable by the Court, the Board has the obligation to continue to enforce the Declaration.

Very truly yours,



James W. Almand

JWA/bkc

Judgment, pursuant to Courts and Judicial Proceedings Article, § 3-401, et. seq. will serve to terminate the controversy between the parties.

WHEREFORE, this suit is brought, and Plaintiffs respectfully request that this Court pass an Order declaring:

- Count I*
- a. That Worcester County, the County Commissioners, and the Department be and are hereby estopped and enjoined from either levying fines, or attempting to evict the Plaintiffs or other permanent or full time residents at White Horse Park; and
 - b. Such other further relief as the cause may require; and
 - c. The costs of this action.

COUNT II - MANDAMUS

49. Plaintiffs incorporate the allegations as set forth in paragraphs 1-48 as if fully set forth herein.

50. It is undisputed that the County Commissioners **never** enforced the occupancy restrictions applicable to campground subdivisions against the permanent or full time residents of White Horse Park for nearly 33 years, until 2018. There were no fines, enforcement actions, letters, or any other effort to enforce the occupancy restrictions at White Horse Park.

51. By contrast, White Horse Park was advertised to the general public, by realtors and others, as a permanent or full time community. The Board of Directors of the White Horse Park Homeowners Association welcomed full time residents, for security reasons, to keep an eye on the Park.

a. That Worcester County, the County Commissioners, and the Department be and are hereby estopped and enjoined from either levying fines, or attempting to evict Plaintiffs or other permanent or full time residents at White Horse Park; and,

b. Such other further relief as the cause may require; and

c. The costs of this action.

COUNT III – DECLARATORY JUDGMENT

WHITE HORSE PARK COMMUNITY ASSOCIATION, INC.

58. Plaintiffs incorporate the allegations as set forth in paragraphs 1-57 as if fully set forth herein.

59. Under Md. Code Ann., Courts and Judicial Proceedings §3-401, et. seq., this Court may declare the rights, status, and legal relations of the parties for the purposes of affording relief from uncertainty and the controversy giving rise to these proceedings.

60. It is undisputed that the White Horse Park Community Association, Inc. (hereinafter “Community Association”) never enforced the occupancy restrictions of the Declaration against the permanent or full time residents of White Horse Park for nearly 33 years, until 2018.

61. By contrast, White Horse Park was advertised to the general public, by realtors and others, as a permanent or full time community. The Board of Directors of the White Horse Park Homeowners Association welcomed full time residents, for security reasons, to keep an eye on the Park.

COUNT III

69. The provisions of the Declaration are old, antiquated, and no longer applicable. For example, the Declaration states: “that each campsite be used and occupied for camping...”

70. Obviously, no one is camping in White Horse Park. Not even the seasonal residents are camping in White Horse Park. This demonstrates the lack of enforcement on the part of the Community Association, and the inapplicability of the Declaration.

71. Therefore, an actual controversy exists between the parties involving their respective obligations. As such, an adjudication is needed to determine that the Community Association is estopped, by virtue of the doctrines of estoppel, laches, and statute of limitations, from any enforcement action against the permanent or full time residents of White Horse Park. This Declaration Judgment, pursuant to Courts and Judicial Proceedings Article §3-401, et. seq. will serve to terminate the controversy between the parties.

WHEREFORE, this suit is brought, and Plaintiffs respectfully request that this Court pass an Order declaring:

- COUNT IV*
- a. That the Community Association be and is hereby estopped and enjoined from any further enforcement action, or evicting or attempting to evict any Plaintiffs or other permanent or full time residents at White Horse Park; and
 - b. Such other further relief as the cause may require; and
 - c. The costs of this action.

COUNT IV - INJUNCTION

78. School buses picked up children who were enrolled in Worcester County schools in White Horse Park.

79. In approximately 2018, for some unknown reason, the County Commissioners and the Community Association decided to enforce the previously ignored provision of the County Code and Declaration, which had been ignored for the past 33 years.

80. Plaintiffs and other elderly and disabled permanent and full time residents of White Horse park, many of whom are veterans, and this is their only home, were literally forced into a panic. It is a humanitarian crisis. Worcester County referred the residents to the Department of Aging, which was unable to help; not one permanent or full time resident has been relocated.

WHEREFORE, this suit is brought, and Plaintiffs respectfully request that this Court issue an Injunction ordering that:

a. That Worcester County, the County Commissioners, the Department, and the Community Association be and are hereby estopped and enjoined from either levying fines, or attempting to evict the Plaintiffs or other permanent or full time residents at White Horse Park; and

b. Such other further relief as the cause may require; and

c. The costs of this action.

COUNT IV