

before the Court of Special Appeals, and that the approval of this plat will be revoked if the Planning Board prevails in the appeal.

As the Planning Board acted to approve the plat, the Board's then-Chairman Royce Hanson explained that the plat was being approved by order of the Circuit Court, and that the approval of the plat would be reversed if the Board prevailed in its appeal of the Circuit Court orders:

While that appeal is pending, any steps that the property owners take in furtherance of developing this property are at their peril. There are several grounds for the Planning Board's appeal. And if the appellate courts vacate or reverse the Circuit Court's decision in any respect, this plat approval would be rescinded.

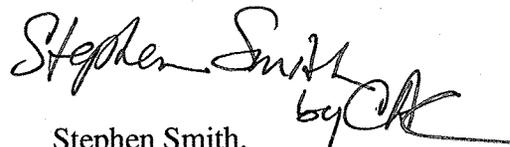
The Board appealed the Circuit Court's orders to the Maryland Court of Special Appeals, which upheld the Board's denial of the subdivision and reversed the Circuit Court's decision (*see* Attachment E). The Applicants filed a petition for certiorari in the Maryland Court of Appeals, seeking review of the Court of Special Appeals's decision. The Court of Appeals denied the Applicants' petition for certiorari, bringing the litigation to an end and leaving the Court of Special Appeals's decision as the final decision in this matter (*see* Attachment F).

On April 12, 2012, as required by the Court of Special Appeals, the Circuit Court vacated its decision reversing the Planning Board's denial of the subdivision and ordering the Board to approve the plat (*see* Attachment G). The Circuit Court's April 12 order further affirmed Planning Board Resolution No. 08-58 reversing the subdivision. Thus, there is no approved subdivision plan on the subject property. Because there is no approved subdivision plan, the plat that the Board approved on June 18, 2009 is illegal.

On May 3, 2012, consistent with the court orders in this case, the Montgomery County Planning Board voted to rescind its prior approval of Plat No. 220091090 (*see* Attachment H).

Based on the foregoing, the current status of the subject property is as an undivided 44.54-acre parcel. We appreciate your prompt assistance in clearing up the land records to reflect this status. Please do not hesitate to contact me at (301) 495-4522 with any questions.

Very truly yours,

A handwritten signature in black ink that reads "Stephen Smith" in a cursive style. To the right of the signature, there is a smaller, more stylized signature that appears to be "by CA".

Stephen Smith,
Senior Planner

Attachments

Cc: Fannie Stokes
Michele Rosenfeld