

CARDEROCK SPRINGS CITIZENS ASSOCIATION, INC.

Many of you have contacted the Board about the commencement of construction at 8209 Stone Trail Drive by Patrick Bogart and Benjamin Kurtz. At this time they are proceeding on the basis of plans that have not been submitted to or approved by the Architectural Review Committee. The Architectural Review Committee denied their original application on May 21, 2006.

Our attorney has advised counsel to Patrick Bogart and Benjamin Kurtz that they proceed at their own risk. Many of you have urged the Board to go to court immediately to seek an injunction to stop construction. The Board is sensitive to this request and, needless to say, the Board is of the view that construction should not go forward. We are informed that the grant or denial of temporary relief to stop construction will not necessarily have any significant impact on Carderock Springs' ultimate legal position in this case, either good or bad. The community should be aware that before the court puts any injunction in place it may well require Carderock Springs to post a bond, and the bond could be significant. Since Carderock Springs has no collateral to put up, any bond would likely have to be posted in cash. Should we proceed to request injunctive relief the community should be aware that we will likely be requesting further financial assistance to support any bond.

In addition, a hearing on a motion for preliminary injunction is scheduled for May 15, 2007. The purpose of this hearing is to prevent further construction until the case has been concluded. At the hearing we will be in a position to present some witnesses and other evidence as to our position – although not all the evidence that will be presented at the trial of the matter. A pre-trial hearing date has been set for June 29, 2007.

Article VI of the Conditions, Covenants, Restrictions and Easements for Carderock Springs states

“...if no suit to enjoin the erection of such building or the making of such alteration has been commenced prior to the completion thereof, such approval will not be required [of the Architectural Review Committee] and this Covenant will be deemed to have been fully complied with.”

Carderock Springs has taken the necessary action to comply with this provision by filing a counterclaim to the lawsuit brought by Patrick Bogart and Benjamin Kurtz. Again, the Board of Directors is not ignorant of the practical problems posed if a property owner proceeds without approval and attempts to secure his position before a community can act to defend its covenants

Your support in this case is appreciated.

Carderock Springs Citizens Association, Inc., Board of Directors