

IN THE CIRCUIT COURT OF MARYLAND FOR MONTGOMERY COUNTY

TANIE A. GUIRAND et al.

v.

BEL PRE RECREATIONAL  
ASSOCIATION, INC.

\*  
\*  
\*  
\*  
\*  
\*  
\*

Case No. 383580

**DEFENDANT'S ANSWER TO COMPLAINT**

COMES NOW Defendant Bel Pre Recreational Association, Inc. (BPRA), pursuant to Maryland Rule 2-323, by and through its undersigned counsel, and as its Answer to the Complaint filed by Plaintiffs Tanie and Pierre Guirand (the Guirands) states as follows corresponding to each numbered paragraph in the Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. BPRA does not have sufficient knowledge to answer the allegations set forth in paragraph 8.

9. BPRA does not have sufficient knowledge to answer the allegations set forth in paragraph 9.

10. BPRA does not have sufficient knowledge to answer the allegations set forth in paragraph 10.

11. Admitted, in part, that the six foot wooden fence has been built along the side and rear property lines of the property. Denied that the construction of the fence is “as a result” of any other allegation in the Complaint.

12. Denied.

13. Denied.

14. Paragraph 14 contains two allegations. BPRA does not have sufficient knowledge to answer whether or not the Guirands are able to operate a Group Home without the fence. BPRA denies the allegation that it knew that the Guirands would be unable to operate a Group Home without the fence.

15. BPRA admits that it sent the letter, dated September 26, 2013 and attached to the Complaint, to the Guirands requesting to either “remove the fence or agree to have good faith discussions with the Board to see if we might reach a mutually agreeable compromise.” Paragraph 15 is denied to the extent that it does not fully and accurately describe the content of the letter.

16. Paragraph 16 contains two allegations. BPRa denies the allegation that there are numerous corner lot properties, subject to the same Declaration described in Paragraph 7 of the Complaint, with comparable fences to the Guirands. BPRa admits that, within the past 5 years, it has not sent any letter to the owners of “corner lot properties comparable to Plaintiff’s Property” regarding “comparable fences to that of the Plaintiffs”. However, BPRa does not have sufficient knowledge as to whether or not it has issued letters for “comparable fences” violating the corner lot fence covenant in the Declaration since the Declaration was recorded on November 3, 1970.

17. Denied.

18. Paragraph 18 states a legal conclusion; therefore, no response is required.

#### COUNT I

19. Paragraph 19 states a legal conclusion; therefore, no response is required.

20. Paragraph 20 states a legal conclusion; therefore, no response is required.

21. Paragraph 21 states a legal conclusion; therefore, no response is required.

22. Paragraph 22 states a legal conclusion; therefore, no response is required.

23. Paragraph 23 states a legal conclusion; therefore, no response is required.

24. Paragraph 24 states a legal conclusion; therefore, no response is required.

#### COUNT II

25. No further response is required.

26. Denied. However, BRPRA admits that there exists an actual controversy

of a justiciable issue within the jurisdiction of this Court involving the rights and liabilities of the parties under the Declaration identified in Paragraph 7 of the Complaint, which controversy may be determined by a judgment of this Court.

27. Admitted.

#### GENERAL DENIAL

BPRA denies any and all allegations that are not specifically admitted.

#### AFFIRMATIVE DEFENSES

BPRA reserves the right to raise any and all affirmative defenses as they may arise.

WHEREFORE Defendant Bel Pre Recreational Association, Inc. requests that the Court deny the relief requested.

Respectfully submitted,

\_\_\_\_\_  
Thomas C. Schild  
Thomas Schild Law Group, LLC  
401 North Washington Street, Suite  
500  
Rockville, Maryland 20850  
(301)251-1414  
law@schildlaw.com  
  
Attorney for Defendant  
Bel Pre Recreational Association, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Defendant's Answer to Complaint was mailed, postage prepaid, this \_\_ day of April, 2013 to:

Michael Woll, Esq.  
4405 East West Highway, Suite 201  
Bethesda, Maryland 20814

Attorney for Plaintiffs

---

Thomas C. Schild

G:\Adoc\CLIENT FILES\BPR\Guirand v. Bel Pre.Fence.Fair Housing Suit\DEF Answer to Complaint.040214.doc