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November 12, 2007

John F. McCabe, Jr., Esquire  
Chen, Walsh, Tecler & McCabe  
200 A Monroe Street  
Suite 300  
Rockville, MD 20850

Re: Bogart & Kurtz vs. Carderock, Civil case # 273518-V.

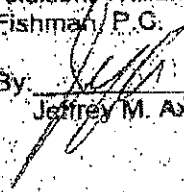
Dear Jack,

I am at a loss to explain your failure to receive our filing of our opposition to the motion, not the Line. We filed an opposition to your Motion for Enforcement Settlement on November 1<sup>st</sup>, 2007. Attached herewith a file stamped copy of that item. I also enclose a copy of the docket entries from the file at the Montgomery County Circuit Courthouse which shows, as docket entry number 57, Plaintiff's Opposition to Defendant's Motion to Enforce Settlement.

On information I believe, the contractor hired by the plaintiff's tells them that the contractor has complied with the approved plans, a position which has been reinforced by the architect.

I will try and get pictures of the exterior to reinforce the opposition. In any event, we did file an opposition and I enclose another copy of it for you together with a copy of the document. Do you think we need to set this in for a full hearing with witnesses. I do not know what a judge can tell us from the bench on motions day. Let me know your thoughts on the hearing. If you have any concerns about the paper filing remaining, please do not hesitate to contact me.

Sincerely,  
Axelson, Williamowsky, Bender &  
Fishman, P.C.

By:   
Jeffrey M. Axelson

JMA/csh  
cc: Ben Kurtz & Patrick Bogart

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PATRICK MATTHEWS BOGART  
and BENJAMIN KURTZ

Plaintiffs,

v.

CARDEROCK SPRINGS CITIZENS  
ASSOCIATION, INC.

Defendant.

FILE COPY

Please Date Stamp and Return

Case No. 273518-V

PLAINTIFFS' OPPOSITION TO DEFENDANT'S  
MOTION TO ENFORCE SETTLEMENT

COMES NOW, the Plaintiffs, Patrick Matthews Bogart and Benjamin Kurtz, by and through counsel, Axelson, Williamowsky, Bender & Fishman, P.C. and Samuel D. Williamowsky, and files this Opposition to the Defendant's Motion to Enforce Settlement:

1. That on July 26, 2006 the Plaintiffs filed a Complaint against the Defendant Carderock Spring Citizens Association, Inc. as a result of Defendant's continued failure to approve the Plaintiffs' proposed plans for home improvements.
2. That on May 15, 2007, after extensive compromise by the Plaintiffs, the parties finally agreed on revised home improvement plans that would be submitted to the Defendant's Architectural Review Committee.
3. That on May 21, 2007, the Defendant formally accepted the Plaintiffs' revised proposal.
4. That after the approval, Plaintiffs submitted their approved plans to their contractors.
5. That since the approval and at all times thereafter, the Plaintiffs have

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RECEIVED

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Clerk of the Circuit Court  
Montgomery County, Md.

complied with the settlement agreement and constructed according to the revised plans that were accepted on May 21, 2007.

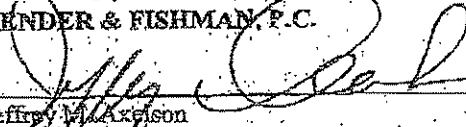
6. Therefore, there is no need for this Court to pass an order enforcing settlement as Plaintiffs have taken every step to compromise with the Defendant and have complied with the final plans approved by the Defendant.

WHEREFORE, for the foregoing reasons the Plaintiffs respectfully request this Court deny the Defendant's Motion to Enforce as the Plaintiffs are in fact in compliance.

Respectfully submitted,

AXELSON, WILLIAMOWSKY,  
BENDER & FISHMAN, P.C.

By:

  
Jeffrey M. Axelson  
401 North Washington Street, Suite 550  
Rockville, Maryland 20850  
(301) 738-7650  
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, via first class, postage prepaid, this 31<sup>st</sup> day of October, 2007 to:

John F. McCabe, Jr.  
200A Monroe Street, Suite 300  
Rockville, MD 20850  
Attorney for Defendant

  
Jeffrey M. Axelson, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, via first class, postage prepaid, this 5th day of November 2007 to:

John F. McCabe, Jr.  
200A Monroe Street, Suite 300  
Rockville, MD 20850  
Attorney for Defendant

  
Jeffrey M. Axelson, Esquire