

February 16, 2015

Re: BZA case 18884 rebuttal to claims by Tom Adams and Christian Mulder of partial ownership of 1351 Wisconsin Ave. N.W.

The property deed to 1351 Wisconsin Ave nw, survey and title are the clear establishment of owner ship without partial ownership by others. However this is a point by point refutation of Tom Adams' and Christian Mulder's claims of a partial ownership of 1351 Wisconsin.

1. *The deed for the sale of Lot 806 by DC Mayor Adrian Fenty to Tom Adams*

We do not dispute that Mayor Fenty approved Tom Adams purchase of 806.

2. *A DC survey from 1921 showing LOT 806.*

We agree.

3. *Judgment by Magistrate Judge Sullivan extinguishing the rights, titles, liens or claims of others to Lot 806*

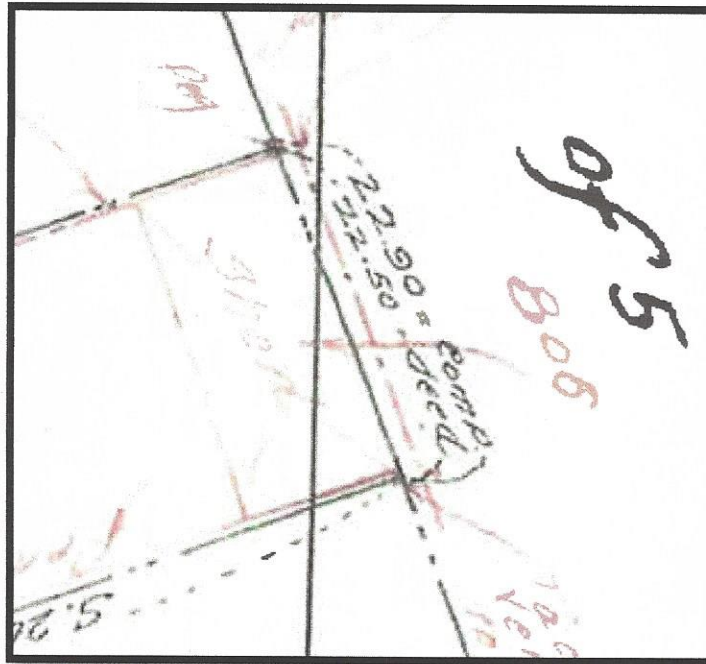
We do not dispute this claim.

4. *Judgment by Magistrate Judge Sullivan granting Tom Adams motion for reconsideration of denial of motion for summary judgment.*

We do not dispute this claim.

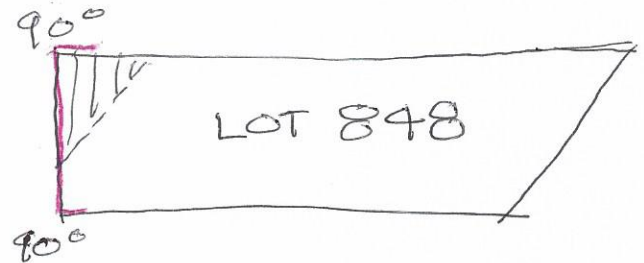
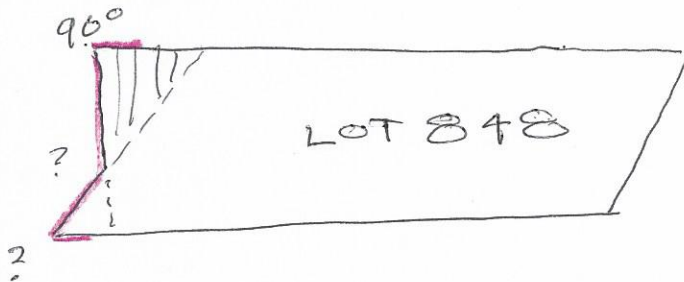
5. *A better copy of the survey from 1921 showing LOT 806. The LOT is 290 square foot. The LOT therefor is a butterfly. LOT 806 occupies part of the land claimed to be owned by Robert Bell or his LLC.*

Mr. Adams asserts that the survey of July 19, 1921 shows lot 806 to be shaped like a "butterfly." However the bases of the "butterfly" theory when examine this document in detail appears to be simply the notation of the surveyor showing the difference between the Deed measurements and the actual measurements. See blow



In addition the red arrow indicating the location of 806 points only to the single triangle – it 806 included the area beyond it would show a arrow to it also. Further Mr. Adam following "area" argument would be a much bigger triangle Mr. Adams "butterfly" wing he believes is created here.

Further if Mr. Adams claim that lot 806 were a “butterfly” of two triangle instead of a single triangle would be reflected in the north line of his property which it is not. The shape of his property’s north face shows this is false. As illustrated here:



Adams “Butterfly” theory of lot 848

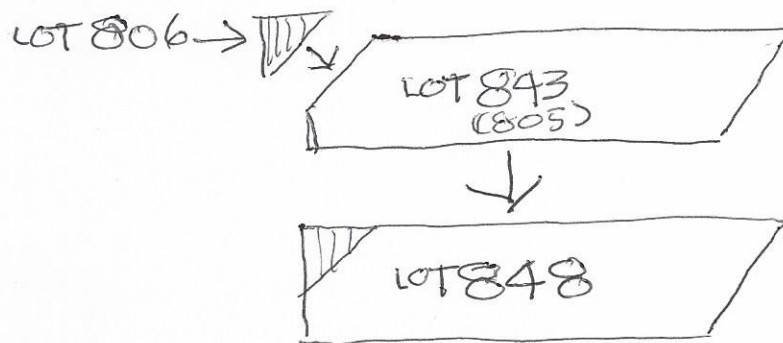
Actual shape of Lot 84

Finally Mr. Adams provides no evidence to show that the metes and bounds of the triangle shown on all other documents in the D.C. Surveyors office form a “butterfly.”

6. Attestation by Landtech about LOT 806

This letter shows Landtech’s recommendation that Mr. Adams purchase this triangle of land. But further it notes that 806 was meant to be combined with 805 to form Mr. Adam lot 843. An illustration of how 848 was created further demonstrates that Mr. Adams north property line is established by a triangle – not two triangles. The triangle of lot 806 fits perfectly into the beveled edge of lot 805 forming the square north face of lot 848.

As illustrated here:



$$\text{LOT 806} + \text{LOT 843}^{**} = \text{LOT 848}$$

** (previously known as 805)

7. History of 3141 Dumbarton Street with indication of LOT size of 806

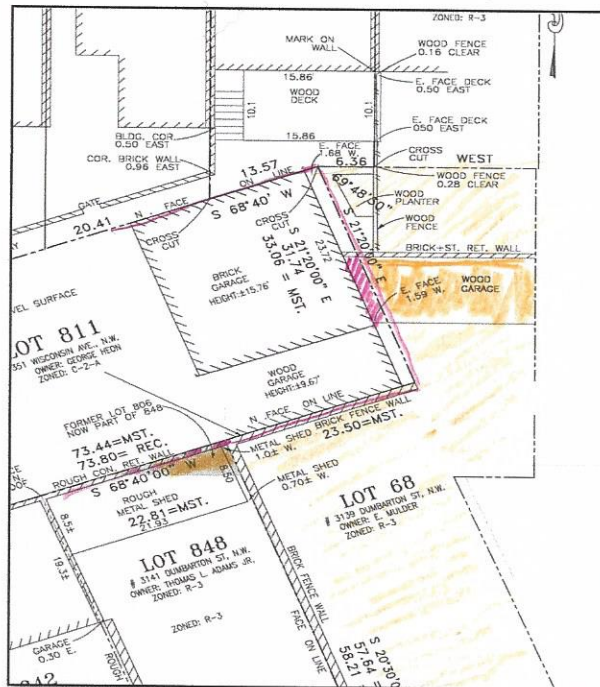
We although the size of the lot is greater than the triangle described in the survey in the **one document** and all other documents in the office of surveyor show a simple triangle the area of which is simply calculated and does not agree with this calculation. This appears to be a simply a miscalculation. But even if this one calculation were correct there is no indication of where this additional area is located. Further this document does not show a “butterfly” overlapping part of lot 811. It could simple be more of lot 848. There is no evidence that it is part of lot 811.

8. *Deed of 3139 Dumbarton Street*

We don't dispute Mr. Mulder's ownership of his property.

9. *Word file with Photos and statement of de facto possession of over 20 years of land claimed by Bell to be part of his Wisconsin Avenue Lot. I.e. Bell/his LLC claims to own 2 feet behind the carriage house, which is clearly occupied inter alia by my cottage which has been there for many decades.*

However Mr. Mulder claim that he owns two feet on the east face of lot 811 is incorrect. There is no public record or survey showing this to be a fact. There is no legal documents showing that Mr. Mulder has obtained this additional land by "adverse possession" which might allow him to make such a claim in court. Indeed quite the opposite the survey of the property done by the Andrew Husbands the land surveyor retained by both 1351 LLC owners of lot 811 and Mr. Mulder himself shows that it is Mr. Mulder's building which is in fact encroaching into lot 811 owned by 1351 LLC.



10 Copy of survey (Liber 118, Folio 58)

This is a private drawing not a public document. But the calculation also agree with Mr. Andrews's survey which shows this property to be to the east of the 2 feet behind Lot811.

In conclusion,

There is no written record, metes and bounds or survey which corroborates either Mr. Adams or Mr. Mulder's claim to own a portion of lot 811 known as 1351 Wisconsin Avenue N.W.

The Board of Zoning Adjustment should accept the deed of ownership by 1351 LLC of 1351 Wisconsin Ave nw and clear title that there no other owners of any portion of the property and should proceed to hearing the merits of the BZA application 18884 for variance to rear yard and special exception.