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February 12, 2015

Stephen f. Varga,
Office of the Board of Zoning Adjustments.

Steve I posted my evidence in the record as document 48 containing 18 pages of evidence establishing that Mr. Adams property does not encompass any portion of lot 811. In addition these documents were forwarded to Mr. Mulder et al by certified mail. I have forward their documentation to Mr. Andrew Husbands, Registered Land surveyor, for his review to provide a rebuttal to the claim of item 5. That lot 806 is shaped like a “butterfly” and includes a portion of 811. This is easily determined by the Mets and bounds of lot 806. Let me briefly respond to the documents provided by Mulder et al and rebut the items which are incorrect.

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.
This is the crux of the question. Mr. Adams provides no evidence to show that the meets and bounds of the triangle shown on all other documents is a “butterfly”. The slash he believes is forming a “butterfly” appears to be simply the notation of the surveyor showing the difference between the Deed measurements and the actual measurements.

6. Attestation by Landtech about LOT 806
This letter shows Landtech’s recommendation that Mr. Adams purchase this triangle of land.

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 and all other documents in the office of surveyor. This appears to be a miscalculation. But should it be correct there is no indication of where this additional area is located. 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. Wordfile 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. Ie. 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.

Mr. Mulder may believe he owns the two feet which are part of lot 811 but there is no public record or survey showing this to be a fact. Indeed quite the opposite the survey of the property done by the Andrew Husbands the land surveyor retained by Mr. Mulder himself shows that it is his building 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.

Sincerely yours,

1351 LLC Robert Bell, president