## IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

THOMAS BURRUSS, et al.

Plaintiffs,

PLEASE DATE, STAMP, AND RETURN

,

**CIVIL ACTION NO. 254316** 

JOHN V. EVANS, et al.

Defendants.

## STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE DISPUTE

- 1. John V. Evans is an amateur radio enthusiast who purchased 44 acres of land at 15110 Sugarland Road, Poolesville, Montgomery County, on or about December 1, 2003, to construct amateur radio towers (also known as antenna support structures to provide amateur radio service) on the property. His contract of purchase was contingent on being able to obtain a building permit to construct these towers.
- 2. On February 20, 2004, John V. Evans received a building permit (No. 330255) from the Montgomery County Department of Permitting Services (DPS) to construct four 190-foot amateur radio antenna support structures. On June 23, 2004, John Evans received a revised building permit (No. 344132) reflecting minor changes.
- 3. The Evans property is located in the rural density transfer (RDT) zone where only one family dwelling unit per 25 acres is permitted.
- 4. Construction of the antenna support structures commenced on August 5, 2004.
- 5. Plaintiff Alan Ganoux owns property across Sugarland Road from John V. Evans' property. Plaintiffs Thomas Burruss and Judith Burruss moved from their residence in October of 2006 and are no longer adjoining property owners.
- 6. Plaintiffs challenged the issuance of the building permits with the Board of Appeals for Montgomery County, Maryland, the Circuit Court for Montgomery County, Maryland, the Court of Special Appeals of Maryland, the Court of Appeals of Maryland, and the Supreme Court of the United States.
- 7. The building permits are valid.

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Clerk of the Circuit Court Montgomery County, Md.

- 8. Neither the towers, nor the antennas mounted on them, come in contact with the property of the Plaintiffs.
- 9. John V. Evans has been issued an Amateur Radio License, N3HBX, by the United States of America Federal Communications Commission.
- John V. Evans, in the construction of the antenna support structures on his 10. property, acted in compliance with all laws and regulations.
- The erection of the antenna support structures was done by an experienced 11. erector, in accordance with the manufacturer's specifications.
- 12. Amateur radio towers serve the public interest, including national security and emergency preparedness functions.
- 13. Attached hereto as Exhibit A are three photographs of the Evans' property which fairly and accurately reflect the amateur radio towers in question.

I HEREBY ATTEST THAT THE INFORMATION CONTAINED IN THE FOREGOING ARE TRUE AND CORRECT AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

John V. Evans.