

TWENTIETH JUDICIAL CIRCUIT  
OF VIRGINIA



LOUDOUN, FAUQUIER AND  
RAPPAHANNOCK COUNTIES

THOMAS D. HORNE, JUDGE  
POST OFFICE BOX 727  
LEESBURG, VIRGINIA 20178

JAMES H. CHAMBLIN, JUDGE  
POST OFFICE BOX 123  
LEESBURG, VIRGINIA 20178

BURKE F. MCCAHILL, JUDGE  
POST OFFICE BOX 9  
LEESBURG, VIRGINIA 20178

JEFFREY W. PARKER, JUDGE  
40 CULPEPER STREET  
WARRENTON, VIRGINIA 22188

RAYNER V. SNEAD, JUDGE RETIRED  
CARLETON PENN, JUDGE RETIRED  
W. SHORE ROBERTSON, JUDGE RETIRED  
POST OFFICE BOX 727  
LEESBURG, VIRGINIA 20178

December 12, 2002

Christopher M. Dove, Esquire  
DANIEL J. TRAVOSTINO, P.C.  
107 North King Street  
Leesburg, Virginia 20176

Michael C. Gartner, Esquire  
WHITEFORD, TAYLOR & PRESTON, LLP  
1025 Connecticut Avenue, N.W., Suite 400  
Washington, D.C. 20036

Re: Kelly Monti and Timothy Monti

v.

Board of Trustees of Woodlea Manor Conservancy  
Chancery No. 22080  
Circuit Court of Loudoun County

Gentlemen:

When counsel argued the Defendant's Plea in Bar on December 6, 2002, it was agreed that the Court could, for purposes of the Plea in Bar, consider the facts as set forth in the Defendant's Memorandum in support of the Plea in Bar and the Plaintiff's Objection to Defendant's Plea in Bar.

After consideration of the Plea in Bar, the facts as agreed, and the argument of counsel, the Plea in Bar is sustained and the Bill of Complaint is dismissed.

The sole issue raised by the Plea in Bar is whether the Plaintiffs exhausted their administrative remedies prior to filing suit. The parties agree that the Plaintiffs are required to do so.

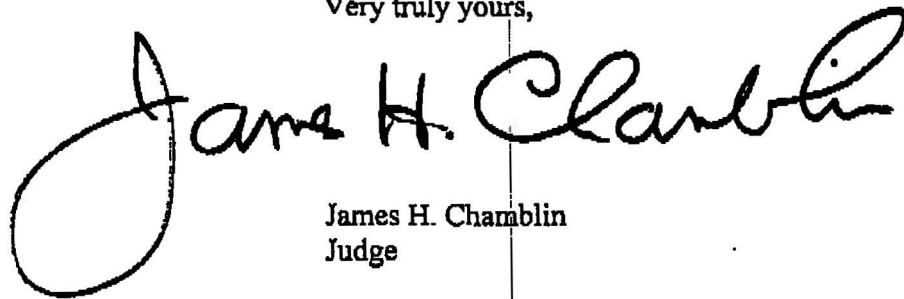
The Plaintiffs had the right under the governing documents of the Conservancy to appeal the decision of the Architectural Review Board (ARB) to the Board of Trustees, but they did not do so. The Board of Trustees acted on the violation by imposing sanctions, but that action is not a decision on an appeal of the decision of the ARB. The Plaintiffs admit in their objection that there was no "formal appeal" of the ARB decision. The decision of the Board of Trustees to impose sanctions cannot be construed as action on an appeal.

The letter to the Plaintiffs from counsel for the Defendant dated September 4, 2002, concerning the action of the Board of Trustees on August 27, 2002, does not reference an appeal. It refers to a "due process hearing" on that date, of which the Plaintiffs had been given notice, to determine sanctions for the violation. The Board of Trustees acted to impose a sanction for the violation. It did not consider whether or not there is a violation, which it would have done on an appeal.

The case is removed from the docket for trial on December 17, 2002.

Let Mr. Gartner prepare an order consistent herewith to which Mr. Dove may note his exceptions.

Very truly yours,

A large, handwritten signature in black ink that reads "James H. Chamblin". The signature is written in a cursive style with a large, looping initial "J".

James H. Chamblin  
Judge