CHRISTOPHER DAVID MCKEON * IN THE

Plaintiff * CIRCUIT COURT

v. * FOR

Defendants

CHARING CROSS TOWNHOUSE
CONDOMINIUM, INC., et al. * ANNE ARUNDEL COUNTY

* * * * * * * * * * *

MOTION TO DISMISS FOR INSUFFICIENCY OF SERVICE OF PROCESS

Civil Action No: C-08-132379

Defendant, Charing Cross Townhouse Condominium, Inc. ("Condominium"), by and through its undersigned counsel, hereby moves to dismiss Plaintiff's Complaint pursuant to Maryland Rule 2-322 (a)(3) and in support thereof, states as follows:

- 1. This action was filed by Plaintiff, *pro se*, who serves as the Vice President to the Condominium's Board of Directors, against the Condominium for alleged violations of the Condominium's Bylaws. In this action, Plaintiff seeks equitable and injunctive relief to prevent the Board of Directors from communicating via email and by telephone, for election violations that possibly occurred a number of years ago, for bad faith and for other vague reasons.
- 2. Plaintiff attempted to serve the Condominium by serving its property manager,
 Defendant Comanco, Inc. ("Comanco"). On or about June 17, 2008, Plaintiff caused the
 Complaint and Summons issued to the Condominium to be served on Comanco. *See* Plaintiff's
 Return of Service dated June 17, 2008.
- 3. Pursuant to Maryland Rule 2-124 (d), Plaintiff was required to serve the Condominium, a Maryland corporation, by serving its resident agent, president, secretary or treasurer. Rule 2-124(d). As Comanco is not the Condominium's resident agent, Plaintiff failed to properly serve the Condominium under the Maryland Rules of Civil Procedure. Further,

Plaintiff failed to serve the Condominium's President, Secretary or Treasurer. Accordingly, Plaintiff failed to properly serve the Condominium.

WHEREFORE, Defendant, Charing Cross Townhouse Condominium, Inc., respectfully requests that this Honorable Court:

- A) Dismiss Plaintiff's Complaint for insufficiency of service of process;
- B) Grant Defendant Charing Cross Townhouse Condominium, Inc. all further and necessary relief.

Respectfully submitted,

Owen J. Curley

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Attorneys for Defendant Charing Cross Townhouse Condominium, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this Aday of July 2008, a copy of the foregoing Motion to Dismiss and proposed order was sent via first class mail, postage prepaid, to:

Christopher McKeon 1120 Soho Court Crofton, Maryland 21114

Owen J. Curley