

September 21, 2012

Dear Summerfield at River Hill Condominium Homeowner:

As all owners were previously notified, the Board of Directors met on September 13, 2012 at which time they voted to adopt a new rule pertaining to pit bull dogs. The rule has been slightly revised to remove any reference of cross bred pit bull dogs in accordance with a recent Court ruling. Maryland now joins several other states in holding that pit bull dogs are inherently dangerous animals. Recently, Maryland's highest court held in Tracey V. Solesky that a victim of a pit bull attack only needs to show that an owner, **or other person who has the right to control a pit bull's presence on a property, knows or has reason to know that the dog is a pit bull for purposes of evaluating liability.** This strict liability standard means that a person is automatically liable for damages without requiring proof of negligence. The court will no longer inquire as to whether the specific pit bull in question has a history of attacking others or whether the pit bull is dangerous, which had been the long standing standard in Maryland for evaluating a pet owner's liability. The court's rationale is that pit bulls attack more frequently, viciously and cause greater amount of serious/life threatening injuries than all other breeds of dogs.

Condominium Associations such as the Summerfield at River Hill Condominium arguably could also be held liable for damage to victims of a pit bull attack, since the Association has a right to control the property. Such a "right to control" extends to premises within the community such as the common areas. The Condominium has a right to adopt rules and regulations regarding pets and prohibited nuisances as well as anything that could increase the Condominium's liability or rate of insurance. Accordingly, the Board of Directors formally voted to adopt the following rule pertaining to pit bulls:

***Any dog which has been determined to be a "pit bull", shall not be allowed on any common areas of the community except while muzzled and on a leash. The County/City Laws requiring all pets to be leashed and under the complete control of its caretaker will be strictly enforced. This rule is intended to address the additional liability to the Condominium which could result in increased insurance premiums or cancellation thereof. Violation of this rule will result in a fine in the amount of \$200 per incident.***

This rule is in effect immediately. Thank you for your attention to this matter.

Sincerely,

Shireen Ambush, PCAM  
Property Manager