

***MUST BE ON YOUR LETTERHEAD***

**ATTORNEY DUE DILIGENCE AND FEASIBILITY CERTIFICATION**

I, \_\_\_\_\_, hereby certify and state as follows:

1. I am an attorney duly admitted to practice law before the Court of Appeals of Maryland.
2. I have visited that certain real property, and all improvements thereon, located in Montgomery County, Maryland, and more particularly described as \_\_\_\_\_ (property description) \_\_\_\_\_ (the "Property").
3. The Property is owned in fee simple by \_\_\_\_\_ (the "Owner").
4. I have reviewed the title report and all recorded easements, covenants, and restrictions recorded against the Property (collectively, "Encumbrances").
5. I have reviewed the Owner's proposal to create an Ownership Plat with ownership units upon the Property in accordance with Montgomery County Code Section 50.7.1(E) (the "Ownership Plat").
6. I have reviewed a current survey of the Property showing all structures, facilities, improvements and Encumbrances recorded against the Property and which includes an overlay of the proposed ownership units per the proposed Ownership Plat.
7. I have reviewed all development approvals and related plans issued for the Property and the improvements located, or planned to be located, thereon. My reviews have included but are not limited to approved preliminary plans of subdivision, project plans, site plans, sketch plans, conditional use or special exception approvals, and related resolutions of approving authorities including but not limited to the Montgomery County Planning Board, the Montgomery County Council, the Office of Zoning and Administrative Hearings and the Montgomery County Board of Appeals that affect or relate to the Property (collectively, the "Development Approvals").
8. I have reviewed the Codes Analysis of the Design Professional Consultant(s) who has inspected the Property and reviewed all building permits and approved building plans for all improvements, structures and facilities either constructed on the Property or for which permits have been issued for construction (collectively "Permit Plans").
  - a. Codes Analysis means an inspection of the Property and a review by the Professional Design Consultant(s) of all building permits and Department of Permitting Services approved building plans for all improvements, structures and facilities either constructed on the Property or for which permits have been issued for construction (collectively "Permit Plans") and completion of an analysis to assure that any existing or proposed structures or uses shown there and located or to be located on any proposed ownership unit will, upon creation of each resulting ownership unit, continue to be in compliance with applicable building codes (NFPA; IBC; IRC; IMC; IGCC; IECC; IEBC; NEC; and implementing regulations in place at the time of permit issuance including Montgomery County Code Chapters: 8. Building; 17. Electricity; 19. Erosion, Sediment Control and Stormwater Management; 22. Fire Safety Code; and 49. Streets and Roads (collectively, Codes) and that all building systems, services, access and egresses are duly identified and properly preserved and protected such that the creation of ownership units and severance of future ownership will not impair the uses or functioning of any use or structures or occupancy of any structures on the Property in full compliance with all Codes (collectively Codes Analysis). Codes Analysis includes the recommendations and requirements on Schedule 2 of the Professional Design Consultant Due Diligence and Feasibility Certification attached hereto and incorporated herein to assure continuing Codes compliance upon recordation of the Ownership Plat and creation of the ownership units upon the Property.
  - b. Design Professional Consultant means the Owner's expert consultant(s) with Codes knowledge and licensed to prepare, review and sign plans for permits issuance such as an engineer or architect licensed by the State of Maryland or another consultant who holds other licenses, certifications or qualifications that demonstrate to

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the satisfaction of the Montgomery County Department of Permitting Services the consultant's expertise and qualifications to prepare a Codes Analysis.

9. Based upon my diligent reviews in accordance with sections 2-8 above, I have identified all easements, restrictions, covenants, maintenance, use, repair, replacement and liability agreements or other such reciprocal agreements that are required to assure the continuing compliance of the Property and all ownership units resulting from the proposed Ownership Plat with all Codes and Development Approvals and to provide for the peaceful, uninterrupted use and enjoyment of each proposed ownership unit on the Property in accordance with such Codes and Development Approvals (collectively, the "Reciprocal Easements").
10. The Reciprocal Easements have been provided for the mutual benefit of each ownership unit and are contained in a Reciprocal Easement Agreement recorded in the Land Records for Montgomery County in Liber \_\_\_\_ at Folio \_\_\_\_ as of the \_\_ day of \_\_\_\_\_, 20\_\_ and which also duly provides for the joint and several responsibility of each owner of an ownership unit to the enforcing governmental authority for compliance with the requirements of the Development Approvals and for continuing adherence to Codes.
11. I acknowledge that the Montgomery County Department of Permitting Services is relying upon my professional reviews and the certifications provided herein in conjunction with the issuance of any approval of permits for the ownership units or of the Ownership Plat for the Property. I hereby release and hold Montgomery County harmless from any and all claims for damages, liabilities and expenses, whether alleged, adjudicated or otherwise, arising out of or relating to the creation or establishment of ownership units on the Property.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date