

From: [Byrne, Kathleen E.](#)
To: [Johnson, Nana](#)
Subject: Fw: Cashell Conditional Use
Date: Sunday, March 2, 2025 3:55:58 PM

Can you make this Exhibit 19 and post on the website for CU16-11? Thanks.

Katy

From: Dean Packard <dean@packardassociatesllc.com>
Sent: Wednesday, February 26, 2025 7:40 PM
To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Cc: Kaye, Josh <josh.kaye@montgomeryplanning.org>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>
Subject: Cashell Conditional Use

[EXTERNAL EMAIL]

There is a lot that has been happening, but no work has progressed in the last month and that I am at end of my rope with you. The investor that we had a contract with which I provided to you was a loan to Mike Hines for \$450,000. We got the first payment then two days after the last hearing he defaulted on the loan says that he needed to change the contract to record a trust against the property across the street we have plans for but can't proceed. Mike Hines has filed a lawsuit against the investor for default. I have a 20% interest left in the property and begged the majority partner owner to help me out. I offered to give up my entire 20% interest to him in exchange for money to finish the site work on the community and was refused. He wants to proceed with the plans but I have told him that I wouldn't submit a conditional use plan without fixing the current site work not completed.

We have had numerous arguments, and he is close to foreclosing on the property and selling it to someone else. I have talked to multiple builders to get him a purchase contract but none of them want to get involved until the current community is completed. So, what it has come down to is I have been told that this is my problem, and I have to figure out how to fix it, which I already knew.

Mike Hines, the builder who got the first loan contract has gone out to his family and multiple contacts in the last month to borrow money for me or bring a deal to the table for the adjoining owner I am tied to. About 3 weeks ago Mike reconnected with a real estate money broker. She and her partner found a development manager who used to work with Khov and Lenar who is very interested in the next door design for life property and for \$100,000 offered to provide credit and bring in an investor to submit a letter of intent. The deal with the 80% owner of the property next door is that if real financing is brought to the table, he could give me enough to finish the current site work. We answered 50 questions with the investor, and they said they would present a term sheet but I am waiting by the phone. Mike Hines has spent so much time trying to help me, he has fallen way behind in his work and had to sell his home. I am not much better, living week to week, barely hanging on.

The real estate broker chose to bring another investor in as a backup. We had a zoom meeting with her on Monday. The design for life product very much appealed to her personally and said that she could write a check for \$500,000. She asked for us to give a few days to do her due diligence to decide on proceeding, hopefully by today. I am sitting here by the phone waiting.

All this is being said because we have a \$0 balance checking account with Garrett Gateway Partners, no chance of income. I don't even have personal money left to pay for completing the work.

We are friends, but I am not on the best of terms with the partnership owner I am tied to on the property next door. He was an investor in the current community and lost his \$125,000 investment so he has a reason to be cautious about helping me with more money out of his pocket, but I have been tasked to bring financing for him on the project next door in exchange for help. Mike Hines and the land broker are confident that money will come in quickly. I have talked to dozens of people with money for the last six months and have very little to show for it, to date.

The partner owner is not only angry at me but also angry at Legend Builders, the builder who let us down by not completing the work. The partner owner wants him to pay for the disaster he was a big part of creating. We all have to accept blame for the residual issues arising out of covid, supply issues, inflation and delays upon delays. I also hang my head low to the promises I may to the buyers and to the county for not being able to complete the commitments.

The partner owner is threatening to foreclose on the property next door and seize complete ownership. He is also prepared to contact Josh and Greg to tell them he is done with me and to call the bonds. Unless these people come through today or very soon with funds, I feel completely powerless to stop the county and commission actions to call the bonds. By a stroke of some luck, we were able to have Legend Builders post the bonds with Viking. So there are close to \$190,000 worth of bonds with Viking the county has access to fund completion of the work. Despite not having any compassion for Legend Builders anymore, I am terrified at the idea of calling the bonds because it will take some time to get it done and it sets a terrible precedent for this community, the Design for Life program and for my reputation.

I am at a terrible crossroad. Either I give up or be forced to admit defeat and let the bonds be called or I keep fighting to complete the two deals in progress. The decision I see on the table for you as the Hearing Examiner is to pull the conditional use permit for the property or to allow one last month to fix the financing and roll through the work. I can't guarantee success but with the land broke on fire trying to get a deal for us, it seems close but not guaranteed.

I am not sure what pulling the Conditional Use Permit will do, but hurt the community. All of the properties are owned by the buyers and the Homeowners Association. We are still

collecting money from the owners who will pay and paying bills for taxes, insurance, trash pickup, snow plowing and lawn maintenance, hoping still to turn it over once someone will take it over. Garrett Gateway Partner is bankrupt so there is nothing more to lose there and it will never do another project. I don't know what impact will happen to the HOA or the owners, but it can't be good. I have told the owner partner next door that it will be the kiss of death on him to proceed with the next 19 homes submissions and any chance to sell the property. He is of the mindset that having the bonds called will solve all of the problems for the existing community, he will seize the property and proceed with submitting plans through a new entity on his own or with me just as the engineer. I have told him that it is far from that simple and with an angry county, planning commission and homeowners in the existing community, that any public hearing with anyone would be a catastrophe until the existing community work is done.

My fate is in the hands of you, Josh and Greg. I stand to lose not only everything but my reputation and integrity. I still hold on to hope for new funds to imminently come but have come to terms with your impending decision of failure or momentary reprieve one last time. I understand the county and commission has to do their jobs for the community and the integrity of the permitting process. I also understand that I have been graciously given a lot of time to work this out and can't say that more is deserved.

I have begged for mercy for six months and my last hope now may not matter. I am prepared to keep fighting or accept my fate. This is everything I would say in the morning and will be there to just listen.

Dean Packard



For more helpful Cybersecurity Resources, visit:
<https://www.montgomerycountymd.gov/cybersecurity>