# REZONING AFFIDAVIT

DATE: FEB 1 6 2010
(enter date affidavit is notarized)

I, Gregory A. Riegle, Esquire, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 105404v

in Application No.(s): RZ/FDP 2009-PR-021
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| **NAME** (enter first name, middle initial, and last name) | **ADDRESS** (enter number, street, city, state, and zip code) | **RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above) |
|---|---|---|
| Elm Street Communities, Inc.<br>Agent: James L. Perry<br>Jack B. Perkins | 1355 Beverly Road, Suite 240<br>McLean, VA 22101 | Applicant/Contract Purchaser of Tax Map No. 49-1 ((1)) 35A |
| Korean Central Presbyterian Church, Inc.<br>Agent: Daniel Changsoo Ro | 8526 Amanda Place<br>Vienna, VA 22180 | Title Owner of Tax Map No. 49-1 ((1)) 35A |
| Charles P. Johnson & Associates, Inc.<br>Agent: Paul B. Johnson<br>Allan D. Baken<br>Henry M. Fox, Jr.<br>Ipek (nmi) Aktuglu | 3959 Pender Drive, #210<br>Fairfax, VA 22030 | Engineer/Agents |

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Rezoning Attachment to Par. 1(a)**

DATE: FEB 16 2010
(enter date affidavit is notarized)

1054046

for Application No. (s): RZ/FDP 2009-PR-021
(enter County-assigned application number (s))

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

| **NAME** (enter first name, middle initial, and last name) | **ADDRESS** (enter number, street, city, state, and zip code) | **RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above) |
|---|---|---|
| M.J. Wells & Associates, Inc. | 1420 Sping Hill Road, Suite 600<br>McLean, VA 22102 | Traffic Consultant/Agents |
| Agent: Michael R. Pinkoske | | |
| Christopher L. Kabatt | | |
| McGuireWoods LLP | 1750 Tysons Boulevard, Suite 1800<br>McLean, VA 22102 | |
| Agents: Scott E. Adams | | Attorney/Agent |
| Carson Lee Fifer, Jr. | | Attorney/Agent |
| Joanna C. Frizzell (former) | | Attorney/Agent |
| David R. Gill | | Attorney/Agent |
| Jonathan P. Rak | | Attorney/Agent |
| Gregory A. Riegle | | Attorney/Agent |
| Mark M. Viani | | Attorney/Agent |
| Kenneth W. Wire | | Attorney/Agent |
| Lisa M. Chiblow | | Planner/Agent |
| Lori R. Greenlief | | Planner/Agent |
| Sheri L. Hoy | | Planner/Agent |

✓ (check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

**REZONING AFFIDAVIT**

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105446

for Application No. (s): RZ/FDP 2009-PR-021
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Elm Street Communities, Inc.
1355 Beverly Road, Suite 240
McLean, VA 22101

**DESCRIPTION OF CORPORATION:** (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)
David D. Flanagan

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer**, etc.)

| | | | |
|---|---|---|---|
| David D. Flanagan, President | Richard D. Entsminger, VP | Michael A. Burlbaugh, VP | Jack B. Perkins, VP |
| Jeffrey P. Rice, CFO/VP of Finance | Karen R. McJunkin, VP | Joseph M. Jacobs, VP | Jason A. Wiley, VP |
| Catherine L. Griffin, Secty/Treas. | Thomas E. Marshall, VP | Douglas W. Meeker, VP | |
| John M. Clarke, VP | James L. Perry, VP | James M. Mobley, VP | |
| Russell J. Dickens, VP | Jude T. Burke, VP | David C. Murphy, VP | |

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(b)**

DATE: FEB 16 2010
(enter date affidavit is notarized)

105404

for Application No. (s): RZ/FDP 2009-PR-021
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)
M.J. Wells & Associates, Inc. Employee Stock Ownership Trust (ESOT). All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer**, etc.)

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

==========

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer**, etc.)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**REZONING AFFIDAVIT**

DATE: FEB 1 6 2010
(enter date affidavit is notarized)

1054046

for Application No. (s): RZ/FDP 2009-PR-021
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE**: If answer is none, enter "**NONE**" on the line below.)

NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

**REZONING AFFIDAVIT**

DATE: FEB 16 2010
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1054044

for Application No. (s): RZ/FDP 2009-PR-021
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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE:** If answer is none, enter "**NONE**" on line below.)

NONE

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

**4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

**WITNESS the following signature:**

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Gregory A. Riegle, Esquire
(type or print first name, middle initial, last name,and title of signee)

Subscribed and sworn to before me this 16th day of February 2010, in the ~~State~~/Comm. of Virginia, County/~~City~~ of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012

Grace E. Chae
Commonwealth of Virginia
Notary Public
Commission No. 7172971
My Commission Expires 05/31/2012

FORM RZA-1 Updated (7/1/06)