

# Hopkins has respected Belward restrictions

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Fritz W. Schroeder, Baltimore

The writer is vice president for development and alumni relations at Johns Hopkins University.

Read more: <http://www.baltimoresun.com/news/opinion/readersrespond/bs-ed-hopkins-donations-letter-20131023,0,6967362.story#ixzz2ieu1cwGT>

I am writing to correct the serious factual inaccuracies raised by Anne D. Neal in her commentary discussing the sale of Belward Farm by Elizabeth Beall Banks and her siblings ("Will Hopkins respect its donor's wishes?" Oct.17).

It is important for me to do so as a lead steward for gifts to **Johns Hopkins University**, an institution that believes philanthropy is the collaboration of benefactors and institutions to do good in the world. Without trust and good will on both sides, that collaboration cannot occur and the world would be the worse for it.

In this case, the Banks siblings and the university reached an agreement as to how the Montgomery County property was to be used.

That agreement made the parties' intention clear: namely that the uses of the land be limited to "agricultural, academic, research and development, delivery of health and medical care services, or related purposes only," which could "include but not be limited to development of a research campus."

Despite the clarity of the parties' intentions as reflected in the contract and deed, descendants of the Banks siblings sued the university in 2011.

After exhaustive discovery and briefing, Montgomery County Circuit Court Judge Ronald Rubin sustained the university's position in every respect. He found that "the language of the restrictive covenant contained both in the amended contract and in the deed is unambiguous. It is clear and plain." He also agreed with the university that Ms. Banks and her co-owners imposed no conditions as to the number or height of buildings, the amount of parking or other such architectural details. They imposed no conditions on the density of development on the site.

Had they intended such restrictions, they and their lawyers — who lead plaintiff Timothy Newell agrees carefully reviewed the contract and deed before they were signed — would have ensured that the limits were stated in the documents. There are no such limits.

Plaintiffs have appealed the judgment of the trial court, and the case was heard by the Court of Special Appeals last month. Given the ruling made by the lower court and our understanding of the law that governs this matter, the university remains hopeful that the lower court's decision will be sustained.

In short, Johns Hopkins is committed to straightforward adherence to our obligations to benefactors on the use of their gifts. We work hard to do what we have promised to donors. That is true at Belward, as the circuit court has confirmed. And it's true with every dollar that has been entrusted to us.

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scale-it-back.com at 8:29 PM October 23, 2013

Ms. Neal is absolutely correct in her assessment of the disregard the officials at Johns Hopkins have shown toward the intentions of the late owner of Belward Farm, Elizabeth Banks. Ms. Banks could not have been more forceful in expressing her wish that her farm was to be used for academic purposes. EVERYONE understood that Ms. Banks did not want residential or commercial development on her farm.

An internal JHU letter, which can be found on [www.scale-it-back.com](http://www.scale-it-back.com), reveals the frustration the Montgomery County officials felt at Ms. Banks' refusal to sell to a developer. They brought in JHU to convince her they would build an academic campus on her farm. Ms. Banks sold her property for a song based on their promises.

After years of negotiations, the JHU officials put enough language in the contract to make Ms. Banks and her family believe they understood her intentions, but also built in enough "flexibility" so they could rip her off.

Soon after Ms. Banks' death, the County, at the request of Johns Hopkins, rezoned Belward Farm for a high-rise commercial office complex for 15,000 people. JHU has not indicated that the University will occupy any of the buildings. It will be a money-making commercial real estate venture and 99-year ground leases are being offered for the property. What a bunch of rip-off artists!

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