

10/20/2020 – Board Meeting Minutes 6pm ET / 5pm CT

In attendance;

Sharon Anson – President / Jim Lease – VP

Randy Plew – Treasurer / Gerry Powell - Secretary

Tom Earhart – Member

Copies of Board meeting minutes for 07/14/2020 were sent to all for review.

Reviewed by all no changes offered.

Motion to approve minutes by Jim, 2nd by Randy,

Approved by Anson, Lease, Plew & Powell

Board meeting minutes will be forwarded to Blue River Digital for upload to the website.

Finance;

Randy – balance in our account as of this date is \$20677.34

During our meeting lapse since 07/14/2020, there were a few bills that required payment.

Randy had supplied copies to all members for our review via email.

Lease – Anson – Powell all agreed with the charges and forwarded our agreement via email for payment of our lawyer bills during our meeting lapse.

Randy has sent 6 registered letters to the remaining members with open 2020 pier fees not paid.

The letters specified the original billing dollars and associated late fee charges needing to be paid.

One of these bills has been cleared by the member as they provided a cancelled check showing payment for 2020.

In an effort to clear our account of the remaining 2020 billing and start the new billing for 2021 –

A motion was made by Lease to have all the remaining 2020 charges attached to the 2021 billing cycle.

Helping us reduce the cost of additional registered letters. The billing for 2021 for the members not

paid will contain the 2020 fee, late charges, cost of registered letters and the 2021 billing. It will be

further noted that if the 2021 bill is not paid the Board will be contacting our attorney to proceed with property liens/loss of piers as provided per the court's judgments.

Randy has asked the Board to review the QuickBooks P&L output along with a manual type account statement for inclusion to the website. After the Board's review of the documents a vote will be taken on the document to be used.

This account info will then be added to the website on a monthly basis as are the Board meeting minutes.

Randy is having issues gaining access to the EFAC Gmail account with his new computer. Randy will call Gerry and we will work on the Gmail account to recognize his new IP address.

In regard to the Roberts/Dingledine - pier 35/35A issue

1. The EFAC Board has reached an impasse on the Roberts (pier 35) and Dingledine (pier 35A) issue.
2. Helm's letter issued on Roberts' behalf stating their opinion is included as part of the meeting minutes, see letter referenced below.
3. Tom feels that we need to inform Shipman of the impasse so we do not leave any issues open that may impact the Board.
 - J. Lease made a motion to have Tom inform Shipman that the Board will not be moving forward with this dispute. He should inform Helm's that an agreement on pier 35A spacing should be worked out between the parties without EFAC. Tom will also ask Shipman if he feels that there is any further action that needs to be taken by EFAC. If an arrangement cannot be worked out between the parties and a law suit results, it should be up to the parties to bring that action and EFAC would abide by the court decision, EFAC does not intend to bring the suit or wants to be a party to it.
 - Randy 2nd the motion,
 - Anson & Powell -No, Tom yes
 - Motion passed
4. If an arrangement cannot be worked out between the parties, then a court action will need to be filed by Robert's or Dingledine's to resolve this issue

Board elections;

Jim and Randy stated that the On-shore group had their elections and Randy has been re-elected for another term.

The Off-shore group is in the process of holding our election. Candidates have submitted bios to the committee and ballots are being issued to members. Elections scheduled to be completed on or before 12/04/2020.

Sharon announced that she will be resigning 12/31/2020 to focus on family issues.

She will be informing the Off-shore committee so that her position can also be filled in the upcoming elections.

Tom noted that we need to address the details of Board terms and date of seating of new or re-elected members.

Jim made a motion to have new or reelected members take office January 1st after their election. Randy 2nd and all agreed.

We will need to review the by-laws to verify term length and see what ruling's say about staggered member terms.

After the upcoming January Board meeting, Board members will hold an executive meeting to review Tom Earhart being retained as the 5th member. If any other candidates are to be nominated the Board should be notified no later than December 8th so a review by the Board can be accomplished.

An issue of a pier blocking a Dry Fire Hydrant on Eagle Point was noted via email to the EFAC Gmail site. Randy has identified the pier as belong to J. Holloway. It needs to be moved ASAP. Contacts will be made to have the situation resolved.

HELM'S LETTER

STANLEY E. PEQUIGNOT
RICHARD K. HELM*
VERN K. LANDIS
JAY A. RICIDON*

DANA LEON* *
SCOTT E. REUST
KARIN A. McGRATH
*Registered Civil Mediator

**Registered Domestic Relations Mediator

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June 25, 2020

Mr. Matthew R. Shipman
Bloom Gates Shipman & White leather LLP
119 S. Main St.
Columbia City, IN 46725

In Re: Your Client: E FAC
My Client: Robert & Debra Roberts

Dear Mr. Shipman:

Mr. and Mrs. Roberts have brought to us a current difficulty regarding pier assignments and threatened pier assignments.

The pertinent participants are apparently Gerry Powell (offshore pier assignment) and Robert and Debra Miller (next door neighbors to the west) . I do recall that there was litigation not that long ago between the Miller' s and Powell and EFAC.

My clients, Mr. and Mrs. Roberts, are the onshore owners of Lot 47 in Block C plus the land to the water' s edge. My clients have maintained their same pier location for many years, which have included a recent renovation of the seawall, which retains

the alignment for the location of the pier. My clients have selected and utilized their twenty-four feet (24') balanced on either side of this pier location. As you are aware, the various prior orders of the Kosciusko Circuit Court have directed and determined that the onshore owner is entitled to select and utilize the twenty-four feet (24') desired and selected by them, which Mr. and Mrs. Roberts and their predecessors have done .

of 3

It is my understanding that Mr. Powell has been assigned a pier location immediately adjacent to the common property line between Roberts and Miller, but is located on the Miller property, and utilizes riparian area on the Miller frontage.

It is my understanding that offshore owners by the name of Dingleline have been told they will be assigned an offshore location on the Roberts frontage. This would likely be consistent with the regulatory procedures if correctly done.

The problem is that apparently Mr. Powell has made verbal comments indicating an attempt to relocate the Roberts twenty-four feet (24') of frontage toward the west. This placement has never been the case and there is no authority to accomplish this . In fact, it was the former church pier committee habit of constantly attempting to relocate pier assignments that lead to previous litigation.

The bottom line here is that with the Roberts twenty-four feet (24') selected at its present location, the Roberts frontage is essentially twelve feet (12') on either side of the center of their pier. When you add in the minimum two feet (2') of buffer required by the current rules, this leaves at most eleven feet (11') in both the east and west directions available for an offshore assignment. My clients would prefer that the offshore assignment be to the west, but Mr. Powell's pier probably precludes this as a practical matter .

For that reason, Mr. and Mrs. Roberts are aware that an offshore assignment may be allocated to the east nine feet (9') of their frontage (with or without additional feet on the adjacent parcel

depending on whether the adjacent parcel already has an offshore or not) .

I have been asked to communicate with EFAC. As in the past, I prefer to communicate through counsel because they are represented.

We would respectfully request that EFAC tell us where the offshore pier assignment is going to be directed for Lot 47 (easterly or westerly of the onshore owner selected frontage) so that we may adjust the configurations accordingly. Mr. and Mrs. Roberts have been told they cannot interfere with use by an offshore owner, and they do not anticipate doing so. What they do anticipate is configuring their twenty-four feet (24') in a fashion which allows their preferred and

of 3

convenient usage. This may result in the relocation of their boat lift to the east side of their pier instead of the west side because of the circumstances, which is well within their right to do.

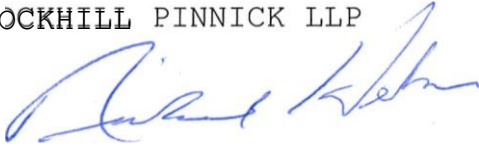
I would remind EFAC that the adjudication of the Circuit Court in January 2014 includes the proposition that each onshore owner be burdened with only one offshore pier site. I believe this is also reflected in rules adopted by the EFAC Board several years ago.

It is unfortunate that this letter is even required, but as is historically the case, when board members, former board members, and neighbors go around asserting rules that are incorrect or nonexistent, there comes a time when it must be brought into an official request and response, and documented .

We will anticipate and appreciate your submission of this correspondence, and our clients' rightful position, to the Board in due course, and if the Board intends to do anything other than comply and honor the twenty-four feet (24') selected by our clients, and the assignment of either the east nine feet (9') or west nine feet (9') as part of an offshore assignment, communicate that decision so that we may discuss it further, short of litigation. Thank you for your courtesies and response.

Very truly yours,

ROCKHILL PINNICK LLP



Richard K. Helm

RKH/jg

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of3

November's meeting scheduled for 11/10/2020
December's meeting scheduled for 12/08/2020

Meeting closed at 6:11pm cst / 7:11pm est

G. Powell – Secretary